

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90)

(See instructions on reverse)

For use by Secretary of State only

**APPROVED**

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0604-03N		
For use by Office of Administrative Law (OAL) only				
<p style="text-align: center;">1991 JUN -4 PM 4:38</p> <p style="text-align: center;">ENDORSED OFFICE OF ADMINISTRATIVE LAW</p> <p style="text-align: center;">APPROVED FOR FILING</p> <p style="text-align: center;">JUL 01 1991</p> <p style="text-align: center;">Office of Administrative Law</p>				
NOTICE		REGULATIONS		
AGENCY		AGENCY FILE NUMBER (if any)		
State Department of Social Services		RDB# 0591-21		

**FILED**  
In the office of the Secretary of State  
of the State of California

JUL 1 1991  
At 4:15 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By *Anne M. Maravolo*  
Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified		<input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)				
SECTIONS AFFECTED	ADOPT			
	AMEND Sections 23-253.12 and 23-253.2			
TITLE(S) MPP	REPEAL			

**2. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (specify) _____		

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify) _____	July 1, 1991
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5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7. *I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.*SIGNATURE OF AGENCY HEAD OR DESIGNEE *Lonnie M. Carlson*

DATE

6-3-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

## **INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

AMEND SECTION 23-253 TO READ:

<u>Regulations</u>	<u>MANAGEMENT AND OFFICE PROCEDURES</u> <u>ASSIGNMENT OF STATE NUMBERS</u>	<u>23-253</u>
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DIVISION 23 MANAGEMENT AND OFFICE PROCEDURES *(Continued)*

23-253 CASE IDENTIFICATION NUMBER

23-253

.1 Case Number Format

The case number format shall be as follows:

Cc - Aid - Ser - AU - Per  
00 - 00 - 0000000 - 0 - 00

.11 County identification; two digits.

.12 Aid program; two digits, or alphanumeric.

.13 Serial; a seven digit sequential number shall remain constant throughout the individual's, family's, or food stamp household's eligibility in the county regardless of the aid program.

.14 Assistance Unit; one numeric digit. This field may be utilized for internal purposes but must be reported to the State Department of Health Services (SDHS) as part of the fourteen digit case identification number. This number must be the same for each member of the AU.

.15 Persons number; a two digit number assigned to a specific individual within the case.

.16 For the Foster Care Information System (FCIS), refer to the FCIS Reporting Instructions Manual Section 26-552.22, Item B.1.

.2 Basic System

or alphanumeric

The aid identification system provides for a two-digit identification of the public assistance programs now in operation and offers the opportunity for further expansion as new programs are created, and as combination of programs occur.

or alphanumeric

Counties shall use two-digit ~~numerical~~ Public Assistance Program and subprogram codes as specified in Handbook Section 23-275.

OFFICE OF ADMINISTRATIVE LAW

FILED  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL

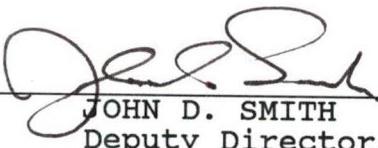
JUL 1 1991

At 4:15 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Anne M. Manassero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0604-03

  
JOHN D. SMITH  
Deputy Director

07/01/91

STATE OF CALIFORNIA-OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90)

(See instructions on reverse.)

For use by Secretary of State only

APPROVED

OAL FILE NUMBERS:	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		97-0701-03N		
For use by Office of Administrative Law (OAL) only				
<p style="text-align: center;">1991 JUL -1 PM 4:02</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING</p> <p style="text-align: center;">JUL - 2 1991</p> <p style="text-align: center;">Office of Administrative Law REGULATIONS</p>				
NOTICE			AGENCY FILE NUMBER (if any) RDB #0591-25	
AGENCY STATE DEPARTMENT OF SOCIAL SERVICES				

FILED  
In the office of the Secretary of State  
of the State of California

JUL 2 1991

At 4:11 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Donna M. Manassero  
Deputy Secretary of State

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1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action	<input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER
OAL USE ONLY <input type="checkbox"/>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)
ADOPT SECTIONS AFFECTED AMEND MPP
TITLE(S) REPEAL 41-600 - 41-609, 41-700, 41-702, 42-703, 44-205.644 and 44-207.47

**2. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
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<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify) 8-1-91
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Other (Specify)

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Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER  
445-0313

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SIGNATURE OF AGENCY HEAD OR DESIGNEE  
Donna M. Carlson

DATE  
7-1-91

TYPED NAME AND TITLE OF SIGNATORY

LONNIE M. CARLSON, INTERIM DIRECTOR

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
STATE-ONLY AFDC-U PROGRAM**

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**41-600 STATE-ONLY AFDC-U PROGRAM**

41-600

**HANDBOOK BEGINS HERE**

The State-only AFDC-U Program is not a component of the federal AFDC Program. This program is a state and county funded program to provide aid to those needy families in which the parent(s) is unemployed and does not qualify the family for federal AFDC-U.

The Department of Social Services and the counties have been enjoined by the Shaw v. McMahon court order from applying EAS Section 44-207.4, the federal lump-sum rule, to the State-only AFDC Program, including single and two-parent households. Counties are required to inform all recipients of lump-sum income, at the time they are notified of a period of ineligibility for federal AFDC, that they may be eligible for three months of State-only AFDC-U after they have spent their lump sum to below the AFDC resource level.

The Department of Social Services and the counties have been enjoined by the Reyna v. McMahon court order from limiting eligibility to State-only AFDC-U benefits to only families in which both parents live in the home.

HANDBOOK ENDS HERE

**41-601 GENERAL POLICY**

41-601

The State-only AFDC-U Program shall be administered according to the policies and regulations of the federal AFDC Program except as specified in this chapter.

**41-602 DEFINITIONS SPECIFIC TO THE STATE-ONLY AFDC-U PROGRAM**

- .1 Unemployed: (See Section 41-400.1(a)).
  - .2 "Month" is defined as a period of time which begins on any calendar day of a month and ends on the day prior to the corresponding calendar day in the next calendar month.
  - .3 "Calendar month" is defined as the first day through the last day of one of the 12 divisions of a calendar year.
  - .4 A "family" is defined as a needy child(ren) deprived because of the unemployment of his/her parents living in the home and any other eligible individual aided with the child(ren) during his/her eligible period.

REPEAL

**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY**  
**STATE-ONLY AFDC-U PROGRAM**

41-602 (Cont.)

Regulations

**41-602 DEFINITIONS SPECIFIC TO THE STATE-ONLY AFDC-U  
PROGRAM (Continued)**

41-602

.5 A "pregnant woman" is defined as follows:

- .51 A woman aided in a one-person assistance unit, and
- .52 A woman whose unborn child if born and living with her would be eligible to receive State-only AFDC-U.

.6 The principal earner is:

- .61 The natural or adoptive parent who has the greater amount of earnings in the last 24 months; or
- .62 Designated by the family when both parents have the same amount of earnings or no earnings; or
- .63 Designated by the county if the family fails to designate the principal earner. The county shall determine the principal earner as follows:
  - .631 The principal earner shall be that parent who has the most potential for establishing a connection with the labor force or who has work or training experience which is applicable towards acquiring a connection with the labor force, as specified in Section 41-440.4; or
  - .632 The principal earner shall be whichever parent the county designates, if neither parent has any work or training experience which is applicable towards acquiring the connection with the labor force as specified in Section 41-440.4.
  - .633 The principal earner shall remain the principal earner once the determination has been made unless the other parent meets the definition of principal earner in accordance with Section 41-440.411 and qualified for federal AFDC-U in accordance with Section 41-440.4.

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## 41-603 DEPRIVATION FOR STATE-ONLY AFDC-U PROGRAM BENEFITS

41-603

- .1 The family of an unemployed parent as specified in Section 41-440.1(a), may be eligible for benefits under the State-only AFDC-U Program if the county determines that:

.11 Both parents in the home are unemployed,

OR

.12 In a home in which one parent lives, that parent is unemployed,

AND

.13 In one- or two-parent families, no parent living in the home meets the requirements for federal AFDC-U specified under Section 41-440.

AND

.14 Deprivation is due to the unemployment of the principal earner.

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HANDBOOK BEGINS HERE

The court orders in Reyna v. McMahon and Shaw v. McMahon provide that State-only AFDC-U parent deprivation may exist for single parent families in cases where the caretaker relative is on strike or the family is in a lump-sum period of ineligibility. Section 41-603.12 does not apply to those families receiving aid under these court orders.

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HANDBOOK ENDS HERE

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**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
STATE-ONLY AFDC-U PROGRAM**

41-604

Regulations

41-604 EMPLOYMENT DEVELOPMENT DEPARTMENT JOB SERVICES (EDD-JS)  
REGISTRATION REQUIREMENT

41-604

- .1 The work registration requirements is found in Welfare and Institutions Code Section 11201 which requires that:

**HANDBOOK BEGINS HERE**

- .11 The principal earner, who is not ill (as defined in Section 42-633), incapacitated (as defined in Section 42-635), or over age 65, shall register for employment and cooperate with EDD (see Section 41-441 for procedures), and shall either:
- .111 be available for and seeking employment, or
- .112 be accepted for or participating in a training program approved by DSS which is essential for future support.

**HANDBOOK ENDS HERE**

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- .2 This requirement is met as follows:
- .21 Accepting a bona fide offer of employment.
- .22 Continuing existing part-time employment.
- .23 Participating in employment related training approved or provided by EDD.
- .24 Appearing for interviews arranged by EDD-JS with an employer.
- .25 Reporting to EDD-JS when called in by EDD-JS.
- .3 No other nonfederally eligible individuals in the State-only AFDC-U assistance unit are required to register with EDD-JS.
- .4 Failure of the principal earner, who is required to register with EDD-JS, to meet the requirements of this section shall result in ineligibility for the family. The work registration requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid.

**NOTE: Authority cited: Sections 10553, 10554, and 11270, Welfare and Institutions Code. Reference: Sections 11056, 11201(b), and 11315, Welfare and Institutions Code.**

**CALIFORNIA-SDSS-MANUAL-EAS**

**MANUAL LETTER NO. EAS-91-06**

**Effective 4/26/91**

**Rev. 771 replaces Issue 122**

## 41-605 REFUSAL OF JOB OFFER

41-605

- .1 The applicant principal earner for State-only AFDC-U, not including a principal earner applying for Striker Assistance (Section 41-703.33), shall not have within 30 days before the beginning date of aid:
- .11 refused a bona fide offer of employment without good cause, or
  - .12 refused an offer for additional employment without good cause when he/she is employed part-time, or
  - .13 terminated his/her employment without good cause.
- .2 The family of the applicant principal earner who does not meet the requirement of Section 41-605.1 shall be ineligible for 30 days from the date of the refusal or termination.
- .3 Principal earners who are currently receiving State-only AFDC-U shall not:
- .31 refuse a bona fide offer of employment without good cause, or
  - .32 refuse an offer of additional employment without good cause when he/she is employed part-time, or
  - .33 terminate his/her employment even if less than 100 hours a month without good cause.
- .4 The family that is currently receiving State-only AFDC-U shall be ineligible for 30 days beginning the first of the month following the month when the principal earner does not meet the requirements of Section 41-605.3.
- .5 Good cause shall be determined by the county welfare department using the WIN good cause criteria in accordance with Section 42-688.3.

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## 41-606 UNEMPLOYMENT INSURANCE BENEFITS (UIB) REQUIREMENT

41-606

- .1 The principal earner, who is apparently eligible for UIB, shall apply for, meet all conditions of eligibility for, and accept any UIB to which EDD determines he/she may be eligible.
- .11 See Section 44-103.115(a) for the listing of the principal earners who are not apparently eligible for UIB and are not required to apply for UIB.

**LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY**  
**STATE-ONLY AFDC-U PROGRAM**

41-606 (Cont.)

Regulations

**41-606 UNEMPLOYMENT INSURANCE BENEFITS (UIB) REQUIREMENT (Continued)** 41-606

- .12 See Section 44-103.24 for the definition of "meet all conditions of eligibility for" UIB.
- .2 Failure of such a principal earner to apply for UIB, meet all conditions of eligibility for UIB, and accept UIB shall result in ineligibility of the family for State-only AFDC-U benefits.

**41-607 TIME LIMITATION TO STATE-ONLY AFDC-U ELIGIBILITY** 41-607

- .1 Eligibility for State-only AFDC-U Program benefits shall not exceed three months in any 12-consecutive-month period.
- .11 Repealed by Manual Letter No. EAS-90-04, effective 10/1/90.

**HANDBOOK BEGINS HERE**

Note: The three-month limit to State-only AFDC-U Program benefits does not apply to those families who are receiving State AFDC under Darces v. Woods or Simon v. McMahon cases; or receiving State AFDC as a result of an uncollectable technical overpayment. (See Section 44-350.)

**HANDBOOK ENDS HERE**

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- .2 Eligibility for State-only AFDC-U Program benefits for a pregnant woman in a one-person assistance unit shall not exceed three months in any 12-consecutive-month period. (See Section 41-608.13.)
- .3 If a family's State-only AFDC-U assistance is discontinued prior to the expiration of the eligibility period, assistance may be restored later for the remaining portion of the eligibility period during that 12-consecutive-month period.
- .4 Eligibility for State-only AFDC-U assistance does not exist during the ineligible period for an otherwise eligible person whose needs were not considered for State-only AFDC-U during the family's eligible period.

**CALIFORNIA-SDSS-MANUAL-EAS**

MANUAL LETTER NO. EAS-90-04

**Effective 10/1/90**

Rev. 604 replaces Issue 124

41-607 TIME LIMITATION TO STATE-ONLY AFDC-U ELIGIBILITY (Continued)

41-607

~~HANDBOOK BEGINS HERE~~

## .41 EXAMPLE:

A family consisting of father, mother and two children receives State-only AFDC-U for June, July, and August. 1) A third child returns to the home on July 15th. That child is only eligible to receive aid from July 15th through August 31. 2) A fourth child returns to the home after August 31, no eligibility exists for State-only AFDC-U until the following June.

~~HANDBOOK ENDS HERE~~

~~NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.~~

41-608 THE 12-CONSECUTIVE-MONTH PERIOD FOR STATE-ONLY AFDC

41-608

## .1 The 12-consecutive-month period shall be established as follows:

- .11 The 12-consecutive-month cycle begins on the beginning date of aid for State-only AFDC-U and ends on the day before the corresponding date one calendar year later.
- .12 The 12-consecutive-month cycle for a pregnant woman in a one-person assistance unit begins on the beginning date of aid for State-only AFDC-U assistance and ends on the day before the corresponding date one calendar year later.
- .13 A woman shall be eligible to receive State-only AFDC-U twice in a 12-month cycle when:
  - .131 She receives State-only AFDC-U as a pregnant woman in a one-person assistance unit, and
  - .132 She receives State-only AFDC-U as a member of a family.

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LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
STATE-ONLY AFDC-U PROGRAM

41-608 (Cont.)

Regulations

41-608 THE 12-CONSECUTIVE-MONTH PERIOD FOR STATE-ONLY AFDC (Continued) 41-608

HANDBOOK BEGINS HERE

EXAMPLE:

A pregnant woman in a one-person assistance unit receives State-only AFDC-U for August, September, and October. The child is born in December and the family applies for State-only AFDC-U. The aid is granted January 1 and the family receives State-only AFDC-U for January, February and March.

The 12-consecutive-month period for the pregnant woman begins on August 1 and ends on July 31 of the following year.

The 12-consecutive-month period for the family, including the mother of the child who received State-only AFDC-U as a pregnant woman in August, September and October, begins on January 1 and ends on December 31st of that year.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

41-609 DISCONTINUANCE AND NOTICE OF ACTION REQUIREMENTS

41-609

- .1 Aid to the family shall be discontinued effective on the date of expiration of the eligibility period. The eligibility period may expire on any date up to and including the last day of a calendar month.
- .2 At the time aid is approved, a family shall be informed in writing that:
  - .21 The eligibility period for State-only AFDC-U is time limited; and,
  - .22 Aid payments shall terminate at the end of the specified period; and,
  - .23 If the family disagrees with the proposed action, the family has the right to request a state hearing.

HANDBOOK BEGINS HERE

- .3 Aid under this Section shall not be paid to a family that has requested a state hearing, but whose time-limited eligibility period has expired. (See Section 22-022 for state hearing requirements.)

HANDBOOK ENDS HERE

CALIFORNIA-SDSS-MANUAL-EAS

MANUAL LETTER NO. EAS-90-04

Effective 10/1/90

Rev. 606 replaces Issue 126

LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS

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CALIFORNIA-SDSS-MANUAL-EAS

MANUAL LETTER NO. EAS-89-04

Issued 7/1/89

Issue 127

## CHAPTER 41-700 MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS

## 41-702 DEFINITIONS

41-702

- .1 State-only Assistance - Assistance payments available to families who are ineligible for federal AFDC or would have income computed against the grant under a federal program which cannot be so computed under state law (including court orders).

## 41-703 STRIKER ASSISTANCE PROGRAM (REYNA V. MCMAHON)

41-703

- .1 Striker benefits shall be administered according to State-only AFDC-U Program (see Section 41-600), except as specified in this chapter.
- .2 Definitions Specific to the Strikers' Assistance Program.

.21 A strike is defined as any concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees, except as specified in Section 41-703.222.

.22 Participation in a strike is defined as follows:

.221 An applicant or recipient will be considered to be participating in a strike if he or she has voluntarily stopped or slowed down work or otherwise interrupted the business activities of the employer as part of a concerted activity described in Section 41-703.21. When the applicant or recipient has been denied Unemployment Insurance Benefits because he or she has voluntarily left work due to a trade dispute, that person will be considered to be participating in a strike, except as specified in Section 41-703.222.

.222 Stoppage or slowdown of work by employees in good faith shall not be considered a strike or participation in a strike when a lockout has occurred or when the action was necessitated by an imminent health and safety hazard or abnormally dangerous working conditions at the place of employment as determined by Division of Occupational Safety and Health.

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LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
41-703 (Cont.) MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS

Regulations

41-703 STRIKER ASSISTANCE PROGRAM (REYNA V. MCMAHON)  
(Continued)

41-703

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.23 A "Striker" is defined as an applicant or recipient who, on the last day of the month, is participating in a strike as defined in Sections 41-703.21 and .22.

.24 The county shall anticipate that the individual will be participating in a strike on the last day of the month when:

.241 an applicant or recipient is currently participating in a strike, and

.242 it is expected that the strike will continue.

.3 Eligibility for Striker Assistance

The family that is not an existing State-only AFDC-U case shall be eligible for benefits to strikers under the State-Only AFDC-U Program when:

.31 Federal eligibility ceased as the result of participation in a strike as defined in Section 41-703.2, and

.32 The family meets the requirements for State-Only AFDC-U specified under Chapter 41-600, except as a direct result of participation in a strike.

LINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY  
MISCELLANEOUS STATE/COUNTY FUNDED PROGRAMS

Regulations

41-703

41-703 STRIKER ASSISTANCE PROGRAM (REYNA V. MCMAHON)  
(Continued)

41-703

HANDBOOK BEGINS HERE

- .321 Strikers are ineligible for UIB, and should not be referred to EDD to apply for UIB.

HANDBOOK ENDS HERE

- .33 The striker has not refused an offer of employment within thirty (30) days prior to receiving aid.

- .331 The job from which the striker is striking shall not be considered.

.4 Other Requirements to the State-Only AFDC-U Striker Assistance Program

- .41 The Strikers Assistance Program shall be time limited as specified in Section 41-607, and

- .411 The 12-consecutive-month period shall be established as specified in Section 41-608.

- .412 Discontinuance and Notice of Action requirements shall be followed as specified in Section 41-609 and Section 22-022.14.

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CALIFORNIA-SDSS-MANUAL-EAS

MANUAL LETTER NO. EAS-89-04

Issued 7/1/89

Issue 130

## 44-205 ESTABLISHING THE FBU (Continued)

44-205

- a. The unaided father shall be added to the assistance unit effective the date the father meets all eligibility requirements, on or after the date the child is born.
- .64 An FBU of one without an eligible child may be established for a pregnant woman who meets all of the following conditions:
- .641 The pregnant woman and the unborn child, if born and living with the mother, would be eligible for AFDC in the month of payment.
- .642 The woman has provided medical verification of pregnancy to the county.
- Medical Verification is a written statement from a physician or physician's assistance or by an authorized member of the physician's staff with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated due date.
- .643 The pregnant woman could not be an eligible person in an existing or applicant FBU.
- .644 When the deprivation of the pregnant woman one-person FBU is State-only AFDC-U, the limitations in EAS Chapter 41-600 apply.

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.7 Separate FBU

- .71 A separate FBU for an otherwise eligible person(s) whose needs were not considered in the lump-sum computation may be established when the existing FBU is in the period of ineligibility resulting from receipt of lump-sum income.
- .72 Repealed by SDSS Manual Letter No. EAS-88-05, effective 5/28/88.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 USC 602(a)(9)(G)(I); 54 FR 42172 (October 13, 1989); 45 CFR 250.34(c)(3); and Section 11327.5(c)(3), Welfare and Institutions Code, AB 312, Chapter 1568, Statutes of 1990.

## 44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU)

44-206

- .1 The following persons shall be excluded from the assistance unit (even if it would be appropriate to include them under Sections 44-205.4 or .5):
- (a) A person who receives SSI/SSP, RDP, RCA, or AFDC-FC.

## 44-207 INCOME ELIGIBILITY (Continued)

44-207

- (c) Use the remainder from this subtraction for the lump-sum income amount and apply the lump-sum income calculation to establish a revised period of ineligibility. (See Section 44-207.42.) The revised period of ineligibility shall begin in the same month as the originally calculated period of ineligibility.
- (d) When the remainder from this subtraction is less than the MBSAC for the family (including any excluded person) plus special needs for the FBU, the amount shall be counted as income in the month following the period of ineligibility.

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HANDBOOK BEGINS HERE

Example: Same case situation as the example in .461 above. The family is eligible for a nonrecurring special need item in April 1987. The family applies to shorten the period of ineligibility in April 1987.  $\$10,000 - \$500 = \$9,500$ . The \$9,500 is divided by \$500. The new period of ineligibility is 19 months with no remainder.

- .47 The Department of Social Services and the counties have been enjoined by the Shaw v. McMahon court order from applying EAS 44-207.4, the federal lump-sum rule, to the State-only AFDC-U program, including single and two parent households. Counties are required to inform all recipients of lump-sum income, at the time they are notified of a period of ineligibility for federal AFDC, that they may be eligible for up to three months of State-only AFDS-U when the amount of lump sum retained, plus any other resources, falls below the AFDC resource level. (See ACIs 84-104, 85-25, 85-67, 85-92 and ACIN I-60-85.)

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L44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF  
FINANCIAL PARTICIPATION

44-209

## .1 General

If an FBU is determined to be financially eligible and an aid payment is to be issued, it is necessary to determine whether federal financial participation is available for each person in the FBU. For purposes of determining federal financial participation, AFDC recipients shall be categorized into three groups:

OFFICE OF ADMINISTRATIVE LAW

FILED  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL

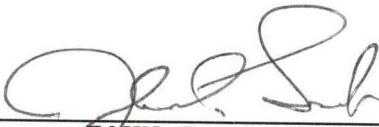
JUL 2 1991

At 4:11 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0701-03

  
JOHN D. SMITH  
Deputy Director

07/02/91

**EMERGENCY**  
**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD-400 (REV. 7-90)

(See Instructions on  
reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
			91-0702-03E	

For use by Office of Administrative Law (OAL) only

1991 JUL - 2 PM 3:08

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

JUL - 3 1991

Office of Administrative Law  
REGULATIONS

NOTICE

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0591-19

**FILED**  
In the office of the Secretary of State  
of the State of California

JUL 3 1991

At 12:35 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action	4. AGENCY CONTACT PERSON <input type="checkbox"/> Other	TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)**1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)** (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT Section 40-012
	AMEND Section 44-211.5
TITLE(S) 22 MAP	REPEAL

**2. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only		<input type="checkbox"/> Other (specify)	

**3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE** (Cal. Code Regs. title I, §§ 44 and 45)

N/A

**4. EFFECTIVE DATE OF REGULATORY CHANGES** (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify)	August 1, 1991
--	--	---	----------------

**5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
--	--	---

**6. CONTACT PERSON**

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER  
(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

TYPED NAME AND TITLE OF SIGNATORY

Lonnie Carlson, Interim Director

DATE

7-2-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

## **INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 40-012 to read:

40-012 IMPLEMENTATION OF AMENDMENTS TO THE HOMELESS ASSISTANCE  
SPECIAL NEED

40-012

- .1 This regulatory action which consists of adopting, amending and repealing language in Section 44-211.5 shall begin with requests for Homeless Assistance received on or after August 1, 1991 in order to comply with Welfare and Institutions Code Sections 11271, 11272, and 11450 (Chapter 97, Statutes of 1991).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10850, 11271, 11272, and 11450(f)(2), Welfare and Institutions Code; and 45 CFR 205.50, 45 CFR 206.10(a)(1)(ii), and 45 CFR 206.10(a)(8).

Amend Section 44-211.5 to read:

**44-211 SPECIAL NEEDS IN AFDC (Continued)**

**44-211**

.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing and is also available to meet the costs of temporary shelter while the AU is seeking permanent housing. (Continued)

.513 The CWD shall only make payment if the provider of housing is a commercial establishment, shelter, publicly funded transitional housing, or person in the business of renting properties who has a history of renting properties.

.5134 An AU is eligible for the nonrecurring special need payment for homeless assistance for one incident of homelessness in a consecutive 1224-month period. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued.

(a) (Continued)

(b) The 1224-month period begins in the month in which the first homeless assistance payment is issued.

(c) (Continued)

.5145 An otherwise eligible AU that has received a homeless assistance payment within the preceding 1224 months may be eligible to receive a new homeless assistance payment under the following conditions: (Continued)

.5156 (Continued)

.5167 (Continued)

.5178 (Continued)

.5189 The county shall make direct payments to providers of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness when the CWD establishes a finding of mismanagement of AFDC cash assistance.

- (a) Mismanagement exists only when:
- (1) The county determines that the homeless assistance payment was not used for shelter; or
  - (2) The AU fails to provide verification as required under Sections 44-211.524(f) and 44-211.532(c); or
  - (3) The recipient's homelessness is the result of the failure to pay rent, other than for the following:
    - (A) A rent increase which results in the AU's share of the rent being over 80 percent of the maximum aid payment, without special needs, for an AU of that size. A sudden and unusual circumstance beyond the recipient's control.
    - (B) Reasonable exercise of a tenant's right to withhold rent for cause.
    - (C) Domestic violence by a spouse, partner, or roommate.
- (b) The CWD shall do all of the following when restricted payments are provided to an AU:
- (1) Issue the vendor or two-party payment by one of the following methods, at the discretion of the CWD:
    - (A) Mail or delivery to the AU for delivery to the service provider.
    - (B) Mail or delivery directly to the service provider.
  - (2) Develop greater ability on the part of the recipient to manage funds in such a manner as to protect the welfare of the family by:
    - (A) Providing each family with informational materials.
    - (B) Referring the family to appropriate services where such services exist.

.52 Temporary Shelter

The temporary shelter payment may be available no more than once in 24 months to a homeless AU for temporary shelter, when the AU is also seeking permanent housing. (Continued)

.522 An AU is not eligible to receive the temporary shelter payment if it has already been granted permanent housing assistance during the 12-month period described in MPP 44-211.514 except:

- (a) An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided that the temporary shelter 116-187 consecutive days is established consecutive-day limit has not expired.

.523 (Continued)

.524 An AU determined to be homeless may be eligible for up to 16 11 consecutive days of temporary shelter assistance, regardless of the CWD's schedule for issuance of payments.

- (a) The AU must request all temporary shelter assistance before the end of the 116-187 consecutive-day limit.
- (b) The AU must provide verification of shelter expenditures and a housing search to receive reimbursement for temporary shelter assistance for expenses incurred within the 116-187 day period.
- (c) An initial temporary shelter payment shall be issued for up to three working days. The 11-consecutive-day limit shall be extended an additional seven consecutive days for good cause!

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HANDBOOK BEGINS HERE

(1) EXAMPLE:

An AU requests temporary shelter on a Thursday. The following Monday is a national holiday and the CWD will be closed. The CWD will issue temporary shelter benefits for six days to pay for Thursday through Tuesday nights' shelter.

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HANDBOOK ENDS HERE

(d) The CWD shall verify the family's homelessness within the first three working days.

(1) The CWD shall refer the AU to its early fraud prevention and detection unit for assistance in the verification of homelessness when the AU meets the criteria outlined in Section 20-003.2 or 20-005.322.

(2) Other than referrals made pursuant to Section 44-211.524(d)(1), the CWD shall obtain the AU's consent for the release of information to verify homelessness.

(3) If the CWD is unable to verify that the AU is homeless, the AU must complete and sign a statement under penalty of perjury which includes the following information:

(A) A statement of liability for providing false information.

(B) Name, address and phone number of previous landlord.

(C) Location where the AU is currently staying.

(e) An extension of benefits beyond the three-day limit and on a weekly basis thereafter up to seven days for a maximum total of 16 calendar days shall be based upon:

(1) The CWD's verification of the AU's homelessness within the first three days.

(2) The AU's continuing need for temporary shelter benefits.

(3) The AU's documentation of a search for permanent housing while receiving temporary shelter benefits.

(A) The CWD shall issue a housing search form to the AU for the AU to document its search for housing.

(B) A minimum of one contact with prospective landlords for each day the AU receives temporary shelter benefits shall be required unless the AU has good cause for not searching for housing.

*XYYXYY* (i) Good cause includes, but is not limited to, the following situations:

*XYY* a. The CWD determines that the AU, to the extent it is capable, has made a good faith but unsuccessful effort to find permanent housing while receiving temporary shelter benefits within the 21-day limit; or

*(b)*

b. The permanent housing located by the AU will not be available for occupancy within the 21-day temporary shelter period.

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HANDBOOK BEGINS HERE

(ii) EXAMPLE

An AU requests temporary shelter benefits on a Monday and is issued three days of benefits and a search form by the CWD. The AU returns to the CWD on Thursday. The search form shows that the only contacts were with three landlords on Thursday prior to returning to the CWD. If the CWD has verified the AU's homelessness and the AU still needs temporary shelter assistance, the CWD will consider the AU to have cooperated with the requirement in Section 44-211.524(e)(3)(B), and issue up to seven more days of temporary shelter benefits.

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HANDBOOK ENDS HERE

(C)

Temporary shelter benefits shall be issued while the AU is cooperating, as outlined in Section 44-211.524(e)(3)(B).

(D)

If the AU is not issued temporary shelter benefits because the CWD is unable to verify its homelessness due to failure to cooperate, as outlined in Section 44-211.524(e)(3)(B), but subsequently the AU meets the requirements, the AU shall continue to receive temporary shelter benefits as otherwise eligible. No payment shall be issued for those days during which noncooperation existed.

(f) (d)

(Continued)

.525 (Continued)

1328 CWDs may grant the temporary shelter payment in increments starting from one day's to one week's worth of payment. Within the 21/28-day consecutive-day limit, the minimum payment shall cover the period from issuance to the next CWD workday unless 44-211.523(b) applies.

.53 (Continued)

.535 If due to an emergency, an AU must move within the 1224-month time limit specified in MPP 44-211.514, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.

- (a) An emergency cannot result from an intentional act on the AU's part.
- (b) If the CWD determines that the transfer was within the 1224-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

.536 (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 11450(g), Welfare and Institutions Code.

Reference: Sections 11266(a)(2), 11271, 11272, 11450(a)(1), (b), and (c), 11450(f)(2) and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(3)(ii)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(13), and 45 CFR 234.60(a)(2)-(11).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION  
OF  
APPROVAL

FILED  
In the office of the Secretary of State  
of the State of California

JUL 3 1991

At 12:35 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0702-03

*David Potter*  
Senior Staff Counsel

for  
JOHN D. SMITH  
Deputy Director

07/03/91

**EMERGENCY  
NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90)

(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
			91-0702-04E	

For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS	AGENCY FILE NUMBER (If any)
State Department of Social Services		0491-16

1991 JUL -2 PM 3:07

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

JUL - 3 1991

Office of Administrative Law

REGULATIONS

FILED  
In the office of the Secretary of State  
of the State of California

JUL 3 1991

At 12:35 o'clock P.M.  
MARCH FONG EU, Secretary of StateBy Ann M. Manassero  
Deputy Secretary of State**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
<b>OAL USE ONLY</b>	<b>ACTION ON PROPOSED NOTICE</b>	NOTICE REGISTER NUMBER	PUBLICATION DATE
<input type="checkbox"/> Approved as Submitted	<input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/Withdrawn	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)****1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)**

<b>SECTIONS AFFECTED</b>	ADOPT 40-011
	AMEND 44-115.311; 44-133.33, .632 (Handbook), .754 (Handbook), and .9; 44-315.1 through .9; and 44-352.125 (Handbook)
<b>TITLE(S)</b> MPP	REPEAL 44-315.4, .41, .411 through .415, .43 and .431

**2. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (specify)		

**3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)**

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)			
<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify) September 1, 1991	

**5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
---	--	---

 Other (Specify)

6. CONTACT PERSON James Rhoads, Asst. Bureau Chief, Regulations Development Bureau	TELEPHONE NUMBER (916) 445-0313
---	------------------------------------

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

DATE

7-2-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

Adopt Section 40-011 to read:

40-011 IMPLEMENTATION OF MAXIMUM AID PAYMENT (MAP) ROLL BACK 40-011  
REGULATIONS

.1 Effective Date

This regulatory action shall be effective September 1, 1991 for applicant and continuing cases.

.11 Budgeting

The change in grant computation shall be effective with the July 1991 budget month affecting the September payment month.

2. Sections Affected

The following sections are adopted with this regulatory filing.

44-133.332 and .334 (Handbook)  
44-133.632 (Handbook)  
44-133.754 (Handbook)  
44-133.92 and .931 (Handbook)  
44-315.1 through .9  
44-352.125 (Handbook Example)

.3 Changes

.31 Treatment of Income

Section 44-133 is amended to be consistent with the changes in the grant computation in Section 44-315.

.32 MAP Roll Back --  
Grant Computation

Section 44-315 is amended to roll back the MAP amounts and to change the grant computation so that income is counted against the Minimum Basic Standard of Adequate Care (MBSAC) rather than the MAP.

.33 Overpayment  
Recoupment

Section 44-352.125 is amended to have the example be consistent with the changes in the grant computation in Section 44-315.

.4 Reason for Change

These changes implement Welfare and Institutions Code Sections 11450, 11452 and 11453 as amended by Chapter 97, Statutes of 1991.

Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

Amend Section 44-115.311 to read:

44-115 EVALUATING OF INCOME IN KIND (Continued)

44-115

.3 In-Kind Income Values

.31 (Continued)

.311 Individual in-kind income amounts shall be adjusted by the same percentage increase or decrease that is applied to the ~~Maximum Aid Payment (MAP)~~ ~~Minimum Basic Standard of Adequate Care (MBSAC)~~ levels. Such adjustments to the in-kind amounts shall be effective at the same time as adjustments to the ~~MAP~~ ~~MBSAC~~ levels become effective. (Continued)

Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11450, 11452 and 11453.

Amend and renumber Section 44-133.332 and correct Handbook Section 44-133.334 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.3 Income in Cases Where a Parent or Child Has Been Excluded from the Assistance Unit

.33 (Continued)

.331 (Continued)

.332 ~~Subtract the maximum aid determined MBSAC plus any verified recurring special needs for the AU and the excluded persons, for the number of persons in the assistance unit, excluding the parent or child, from the maximum aid for the persons in the assistance unit, including the parent or child. To this difference add any allowable recurring special needs for the excluded parent or child if such needs are verified.~~

(a) From that amount, subtract the MBSAC plus any verified recurring special needs for the AU.

(b) The maximum amount allowed for recurring special needs for the excluded parent or child shall not exceed \$10.

(c) This subsection does not apply when an excluded parent or child is included in a stepparent unit (See Section 44-113.6) or in a senior parent unit (see Section 44-133.7).

.333 (Continued)

HANDBOOK BEGINS HERE

.334 Example:

A parent with earned income is excluded from the assistance unit which consists of three children. Monthly gross income is \$350. Assume MAP for 3 is \$663, MBSAC for 3 is \$694, MAP for 4 is \$788 and MAP MBSAC for 4 is \$788 824.\*

	Gross Income	Standard Work Expense
\$350		
- 90		
\$260		
	Disregard	
	Net Income	

<u>\$824*</u>	<u>MBSAC for 4</u>
<u>+ 9</u>	Verified Special Need (for excluded person)
<u>\$833</u>	MBSAC + Special Needs for 4
<u>\$788*833</u>	<u>MAP MBSAC for 4 + special needs</u>
<u>-633*694</u>	<u>MAP MBSAC for 3</u>
<u>\$128 139</u>	<u>MAP MBSAC Differential</u>
<u>f 9</u>	<u>Verified Special Need</u>
<u>\$134</u>	
<u>\$260</u>	Net Income
<u>-134 139</u>	<u>MAP MBSAC + Special Needs</u>
<u>\$126 121</u>	Differential / Verified <u>Special Needs</u>
	Income to the Assistance Unit
<u>\$633 694*</u>	<u>MAP MBSAC for 3</u>
<u>-126 121</u>	Income to the Assistance Unit
<u>\$537 573</u>	<u>Potential Grant Amount</u>
<u>\$663*</u>	<u>MAP for 3</u>
<u>&lt;\$573</u>	<u>Less than or Equal to MAP</u>
<u>\$573</u>	<u>GRANT AMOUNT</u>

\*The MBSAC and MAP amounts are subject to change. Use See Handbook Section 44-315.311 for currently applicable amounts.

.335 (Continued)

.4 (Continued)

.5 (Continued)

HANDBOOK ENDS HERE

Correct Handbook Section 44-133.632 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.6 Income in Cases Where a Stepparent Resides in the Home (Continued)

.61 (Continued)

.62 (Continued)

.63 Computation of Income to the Assistance Unit

.631 (Continued)

HANDBOOK BEGINS HERE

.632 Example: Stepparent Income to the AU

Computation Factors

- Stepparent unit consists of 1 person (stepparent).
- AFDC AU consists of 5 persons (the mother and mother's 4 children).
- Stepparent earns \$800 within the month from full-time employment.
- Stepparent pays \$100 per month child support to his/her daughter who resides with the stepparent's exspouse.
- No other payments are made by the stepparent to persons living outside the home.

Computation

\$800	Gross Income
<u>- 90</u>	Less Standard Work Expense Disregard
\$710	
<u>-100</u>	Less Child Support Paid
\$610	Net Income
\$610	Net Income
<u>-326341*</u>	Less MBSAC for Stepparent Unit (1 person)
<u>\$28469</u>	Stepparent Income to the AU
\$899 940*	<u>M&amp;P MBSAC</u> for AFDC AU (5 persons)
<u>-28469</u>	Less Stepparent Income to the AU
<u>\$615 671</u>	Potential Grant

\$899\*

<671

MAP for 5

Potential Grant is Less than or Equal to MAP

\$671

GRANT AMOUNT (The grant amount is the same as  
the potential grant rather than the MAP amount  
because the potential grant is less than the  
MAP)

\*This The MBSAC and MAP amounts is are subject to change. Use  
See Handbook Section 44-315.311 for currently applicable amounts.

HANDBOOK ENDS HERE

Correct Handbook Section 44-133.754 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.7 Income in Cases Where the Senior Parent or Legal Guardian Resides in the Home with a Minor Parent (Continued)

.75 Computations of Income to the Assistance Unit. (Continued)

HANDBOOK BEGINS HERE

.754 Example: Senior Parents' Income to the Assistance Unit

Computation Factors

- Senior Parent Unit consists of two senior parents and one child (the parents and a sibling of the minor).
- AFDC assistance unit (AU) consists of a minor parent and an aided child.
- One senior parent earns \$700690 within the month from full-time employment.
- One senior parent earns \$200 within the month from part-time employment.
- No payments are made by the senior parents to persons living outside the home.

Computation

<u>\$700690</u>	Gross income of senior parent employed full-time.
<u>- 90</u>	Less work expense disregard
<u><u>\$690600</u></u>	
<u>\$200</u>	Gross income of senior parent employed part-time
<u>- 90</u>	Less work expense disregard
<u><u>\$110</u></u>	
<u>\$720710</u>	Net income of both senior parents
<u><u>\$66694*</u></u>	Less MBSAC for Senior Parent Unit (3 Persons)
<u><u>\$ 57 16</u></u>	Senior parent's income to AU
<u>\$555 560*</u>	MAB MBSAC for AU of 2 (minor parent and aided child)
<u>- 57 16</u>	Less senior parent's income to AU
<u><u>\$478 544</u></u>	Potential Grant

\$535\*

<544

MAP for AU of 2

Potential Grant is More Than MAP for

2

\$535

GRANT AMOUNT (MAP for 2)

\*The MBSAC and MAP amounts are subject to change. Use See  
Handbook Section 44-315.311 for currently applicable  
amounts. (Continued)

HANDBOOK ENDS HERE

Amend Sections 44-133.9 and .93, Restructure and Amend Section 44-133.92 and Correct Handbook Section 44-133.931 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

- .9 Income in Cases Where the Spouse of an Aided Married Child Resides in the Home and Is Excluded from the ~~F&B~~ AU. (Continued)
- .91 (Continued)
- .92 Determine MBSAC plus any verified recurring special needs for the AU including the spouse.
- .921 From the amount \$subtract the maximum aid MBSAC plus any verified recurring special needs for the number of persons in the ~~F&B~~ AU excluding the spouse from the maximum aid for the persons in ~~F&B~~ including the spouse. To this difference add any allowable recurring special needs for the spouse if such needs are verified.
- .922 The maximum amount allowed for any recurring special needs for the spouse shall not exceed \$10.
- .93 Subtract the figure determined in Section 44-133.92 from the income determined in Section 44-133.91 above. The remaining amount is income to the AU.

HANDBOOK BEGINS HERE

.931 Example:

A spouse of an aided married child resides with the AU which consists of three people.

The spouse's monthly gross earned income is \$350. Assume MAP for 3 is \$663, the MBSAC for 3 is \$694, and MAP for 4 is \$788753, and the MBSAC for 4 is \$824.

\$350	Gross Income
- 90	Standard Work Expense
\$260	Disregard
	Net Income
<u>\$824*</u>	<u>MBSAC for 4</u>
+ 9	<u>Special Need for Excluded Person</u>
<u>\$833</u>	<u>MBSAC for 4 + Special Need</u>
<u>\$788 833*</u>	<u>MAP MBSAC for 4 + Special Need</u>
<u>-663 694*</u>	<u>MAP MBSAC for 3</u>
<u>\$125 139</u>	<u>Difference in MAPS MBSACs</u>
+ 9	<u>Verified Special Needs</u>
<u>\$134</u>	

\$260	Net Income
<u>-174</u> 139	Difference in MAP/MBSACs + Certified Special Needs
<u>\$126</u> 121	Income to AU
\$633 694*	MAP MBSAC for 3
<u>-126</u> 121	Income to AU
<u>\$537</u> 573	Potential Grant
\$663*	MAP for 3
<u>&gt;573</u>	Potential Grant is Less than
<u>\$573</u>	MAP for 3 GRANT AMOUNT

\*These MAP and MBSAC amounts are subject to change. See Handbook Section 44-315.311 for the current MAP and MBSAC values for the appropriate size AU. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11450, 11452, and 11453, Welfare and Institutions Code.

Amend Sections 44-315.1 through 44-315.9 to read:

44-315 AMOUNT OF AID

44-315

.1 Definitions

These definitions are specific to and for purposes of this section.

.11 Net Nonexempt Income

"Net Nonexempt Income" means all earned and unearned income less applicable disregards.

HANDBOOK BEGINS HERE

[See Chapter 44-100 to determine net nonexempt income.]

HANDBOOK ENDS HERE

.12 Grant Amount

"Grant Amount" means the amount of AFDC which is to be paid to the AU for a given month.

.13 Potential Grant

"Potential Grant" means the subtotal after the net nonexempt income is subtracted from the MBSAC plus special needs. The potential grant may equal the grant amount if the potential grant is equal to or less than the MAP.

/1.2 County Responsibility

The county is responsible for computing the amount of aid payment when:

.121 Granted

Aid is granted or restored;

.122 Redetermination

A redetermination of eligibility is made;

.123 Change

There is a change in need, income or other factors affecting the amount of aid to which the recipient is eligible.

.3 Amount of Grant

The county shall calculate the amount of grant as follows:

.31 MBSAC

Determine the Minimum Basic Standard of Adequate Care (MBSAC) for the AU in the payment month. The MBSAC and MAP are set forth in Welfare and Institutions Code Sections 11450 and 11452.

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HANDBOOK BEGINS HERE

- .311 Effective September 1, 1991, MBSAC and MAP levels established in Welfare and Institutions Code Sections 11450 and 11452 are:

<u>Size of AU</u>	<u>MBSAC</u>	<u>MAP</u>
<u>1</u>	<u>\$ 341</u>	<u>\$ 326</u>
<u>2</u>	<u>560</u>	<u>535</u>
<u>3</u>	<u>694</u>	<u>663</u>
<u>4</u>	<u>824</u>	<u>788</u>
<u>5</u>	<u>940</u>	<u>899</u>
<u>6</u>	<u>1,057</u>	<u>1,010</u>
<u>7</u>	<u>1,160</u>	<u>1,109</u>
<u>8</u>	<u>1,265</u>	<u>1,209</u>
<u>9</u>	<u>1,371</u>	<u>1,306</u>
<u>10 or more</u>	<u>1,489</u>	<u>1,403</u>

For MBSAC add fourteen dollars (\$14) for each additional needy person.

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HANDBOOK ENDS HERE

- .32 Add Special Need Payment Add any special need payment amounts for the AU to the MBSAC.
- .33 Net Nonexempt Income Round to the next lower dollar the net nonexempt income from the budget month including in-kind income.

HANDBOOK BEGINS HERE

(See Chapter 44-100 for computing net nonexempt income.)

HANDBOOK ENDS HERE

- .34 Potential Grant Subtract the net nonexempt income amount from the MBSAC plus special need for the AU. This is the potential grant amount.
- .35 MAP Determine the Maximum Aid Payment (MAP) for the AU. The MAP and MBSAC are set forth in Welfare and Institutions Code Sections 11450 and 11452.
- .36 Add Special Need Payments Add any special need payments for the family to the MAP.
- .37 Actual Grant Amount The actual grant amount is the lesser of the potential grant amount or the sum of the MAP plus special needs.

HANDBOOK BEGINS HERE

.38 Examples:

Computation #1 Factors

An AU of 4 has net nonexempt income in the amount of \$25. The AU has special needs in the amount of \$10. Assume the MBSAC for the AU is \$824 and the MAP for the AU is \$788.

Computation #1

\$824	MBSAC for 4
+ 25	Special Need Amount
<u>\$849</u>	<u>MBSAC + Special Need</u>
- 25	Net Nonexempt Income
<u>\$824</u>	<u>Potential Grant</u>
<u>\$788</u>	<u>MAP for 4</u>
+ 10	Special Need Amount
<u>\$798</u>	<u>MAP + Special Need</u>
<u>\$798</u>	<u>MAP for 4</u>
<824	Potential Grant is More than MAP + Special Need
<u>\$798</u>	<u>GRANT AMOUNT</u>

Computation #2 Factors

The AU consists of 5 members. The AU has net nonexempt income in the amount of \$945. The AU has special needs in the amount of \$20. Assume that the MBSAC for the AU is \$940 and the MAP for the AU is \$899.

Computation #2

\$940	MBSAC for 5
+ 20	Special Need for AU
<u>\$960</u>	<u>MBSAC + Special Need</u>
-945	Net Nonexempt Income
<u>\$ 15</u>	<u>Potential Grant</u>
<u>\$899</u>	<u>MAP for 5</u>
+ 20	Special Need Amount
<u>\$919</u>	<u>MAP + Special Need</u>
<u>\$919</u>	<u>MAP for 5 + Special Need</u>
> 15	Potential Grant is Less than MAP + Special Need
<u>\$ 15</u>	<u>GRANT AMOUNT</u>

HANDBOOK ENDS HERE

14 Determining Amount of  
Grant if AFDC/FPS/V

141

Basic Grant: The amount of the basic grant shall be calculated as follows:

1411

Determine the Maximum Aid Payment (MAP) level for the appropriate family budget unit size in accordance with the provisions of Welfare and Institutions Code Sections 11430 and 11433 or as otherwise provided by law.

HANDBOOK BEGINS HERE

1412

Effective July 1, 1989, maximum aid payment MAP levels established in Welfare and Institutions Code section 11430 are:

Size of FBU	Maximum Aid Payment
1	\$ 341
2	560
3	694
4	824
5	940
6	1,057
7	1,180
8	1,263
9	1,368
10 or more	1,488

HANDBOOK ENDS HERE

1413

Round to the next lower dollar the net nonexempt income from the budget month (Section 44100), including in kind income.

1413

Compare net nonexempt income determined in 1412 with the appropriate MAP determination in accordance with 1411.

1414

If the MAP is greater than the net nonexempt income, the difference is the basic grant.

1415

If the net nonexempt income from the budget month is greater than the MAP for the payment month, then no payment shall be made and the case is a zero basic grant. Such eligible cases may be entitled to benefits other than the basic grant including payment of special needs.

- .47 Special Needs/  
The amount of the Special Needs shall be calculated as follows:
- .471 (Continued)
- .472 (Continued)
- .473 (Continued)
- .474 (Continued)
- .475 (Continued)
- .476 (Continued)
- .47 Total Grant/ The amount of the total grant shall be calculated as follows/
- .471 Add the amounts determined in 44-315/41 and 44-315/42/
- .475 \$10 or More  
If the amount determined in .471 Section 44-315.37 is less than ten dollars (\$10), no payment shall be paid for that month. If the beginning date of aid is after the first of the month, and the amount of aid determined in .471 Section 44-315.37 is to be prorated, and the prorated amount is less than ten dollars (\$10), no payment shall be paid for that month. Such cases shall be considered to have received a payment for all other purposes.
- .477 If the amount determined in .471 Section 44-315.37 is ten dollars (\$10) or more, that amount is the total grant and, if there are no overpayment adjustments, shall be authorized as the aid payment.
- .446 Payment in Installments  
(Continued)
- .57 Proration of AFDC-FG/U Grant  
(Continued)
- .571 (Continued)
- .572 (Continued)
- .721 Determine the total monthly grant amount (see Section 44-315..437);

b.722 (Continued)

c.723 (Continued)

d.724 (Continued)

e.725 (Continued)

f.726 If the prorated grant amount is not a whole dollar, then the prorated amount shall be rounded to the next lower whole dollar. (See Section 44-315.~~4725~~ if this amount is less than ten dollars.)

.g8 (Continued)

.79 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11450, 11452, and 11453, Welfare and Institutions Code.

Correct Handbook Section 44-352.125 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 Calculation of the Overpayment (Continued)

.12 Overpayment due to income or need or circumstances other than excess property. (Continued)

.125 The total overpayment is the sum of all amounts calculated in Section 44-352.124.

---

HANDBOOK BEGINS HERE

EXAMPLES

	<u>Factors</u>	<u>Computations</u>		
		<u>1121 Reported Grant</u>	<u>1122 Amount Paid minus Correct Grant</u>	<u>1123 Unreimbursed Grant</u>
11	MAP	\$387	\$387	\$387
	Reported Income	0	+300	+300
	Actual Income	200	-387	-387
	Support Payment	100		
	Aid Actually Paid (1121+0)	387		
	Total			
	Overpayment (1121) ≠ \$200			
11	MAP	\$474	\$474	\$300
	Reported Income	174	+303	+303
	Actual Income	303	-189	-189
	Support Payment	230		
	Aid Actually Paid (1121+174)	300		
	Total			
	Overpayment (1121) ≠ \$ 30			
11	MAP	\$698	\$698	\$698
	Reported Income	0	+730	+730
	Actual Income	130	-348	-348
	Support Payment	200		
	Aid Actually Paid (1121+0)	698		
	Total			
	Overpayment (1121) ≠ \$150			

		<u>Aid</u>	<u>(.121)</u> <u>Correct</u>	<u>(.122)</u> <u>Potential/Actual</u> <u>Overpayment</u>
		<u>Paid</u>	<u>Grant</u>	
<u>1.</u>	<u>MAP</u>	<u>\$663</u>		
	<u>MBSAC</u>	<u>\$694</u>	<u>\$694</u>	
	<u>Reported Income</u>	<u>-0</u>		
	<u>Actual Income</u>		<u>-200</u>	
	<u>AID PAID [(Lesser of 1)</u>	<u>\$663</u>		<u>\$663</u>
	<u>(\$694 - 0 = \$694 or 2)</u>			
	<u>\$663 is \$663]</u>			
	<u>CORRECT GRANT [(Lesser of 1)</u>		<u>\$494</u>	<u>\$494</u>
	<u>\$694 - \$200 = \$494 or 2</u>			
	<u>\$663 is \$494 (.121)]</u>			
	<u>Support Payment (.123)</u>	<u>-\$100</u>		
	<u>Unreimbursed Grant [Aid Paid</u>	<u>\$563</u>		
	<u>less Support Payment]</u>			
	<u>POTENTIAL OVERPAYMENT [Aid</u>			<u>\$169</u>
	<u>Amount less Correct Grant</u>			
	<u>(.122)]</u>			
	<u>ACTUAL OVERPAYMENT [Lesser</u>			<u>\$169</u>
	<u>of Unreimbursed Grant \$563</u>			
	<u>or Estimated Overpayment \$169]</u>			
<u>2.</u>	<u>MAP</u>	<u>\$535</u>		
	<u>MBSAC</u>	<u>\$560</u>	<u>\$560</u>	
	<u>Reported Income</u>	<u>\$104</u>		
	<u>Actual Income</u>		<u>-305</u>	
	<u>AID PAID [(Lesser of 1)</u>	<u>\$356</u>		<u>\$356</u>
	<u>(\$560 - 0 = \$560 or 2)</u>			
	<u>\$538 is \$538]</u>			
	<u>CORRECT GRANT [(Lesser of 1)</u>		<u>\$255</u>	<u>\$255</u>
	<u>\$560 - \$305 = \$255 or 2</u>			
	<u>\$538 is \$356 (.121)]</u>			
	<u>Support Payment (.123)</u>	<u>-\$275</u>		
	<u>Unreimbursed Grant [Aid Paid</u>	<u>\$81</u>		
	<u>less Support Payment]</u>			
	<u>POTENTIAL OVERPAYMENT [Aid</u>			<u>\$101</u>
	<u>Amount less Correct Grant</u>			
	<u>(.122)]</u>			
	<u>ACTUAL OVERPAYMENT [Lesser</u>			<u>\$81</u>
	<u>of Unreimbursed Grant \$81</u>			
	<u>or Estimated Overpayment \$101]</u>			

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:        Sections 11450, 11452, and 11453. Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

FILED  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL

JUL 3 1991

At 12:35 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Manascra  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0702-04

*David Potter*  
Senior Staff Counsel

for

JOHN D. SMITH  
Deputy Director

07/03/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

**REGULAR**

See instructions on reverse

For use by Secretary of State only

STD: 400 (REV. 7-90)

CAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0610-025		

For use by Office of Administrative Law (OAL) only

**FILED**  
 In the office of the Secretary of State  
 of the State of California

1991 JUN 10 PM 2:41

OFFICE OF  
 ADMINISTRATIVE LAW  
 ENDORSED  
 APPROVED FOR FILING

JUL 10 1991

Office of Administrative Law

NOTICE	REGULATIONS
AGENCY	AGENCY FILE NUMBER (If any)

STATE DEPARTMENT OF SOCIAL SERVICES

RDB#0890-35

JUL 10 1991  
 At 4:44 o'clock P.M.  
 MARCH FONG EU, Secretary of State  
 By LONNIE M. CARLSON  
 Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action	<input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER
OAL USE ONLY <input type="checkbox"/> Approved as Submitted	<input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER 91-0610-025
			PUBLICATION DATE JUL 10 1991

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)
ADOPT SECTIONS AFFECTED AMEND 87101, 87113, 87114 and 87457
TITLE(S) 22
REPEAL

**2. TYPE OF FILING**

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			

Print Only       Other (specify) \_\_\_\_\_

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title I, §§ 44 and 45)

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify) _____
---	--	--

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
--	--	---

Other (Specify) \_\_\_\_\_

## 6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

6-7-91

TYPED NAME AND TITLE OF SIGNATORY

LONNIE M. CARLSON, INTERIM DIRECTOR

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

The portions of regulatory text that are indicated as "Handbook"  
will appear as "Reserved" in the published version.

Amend Section 87101 to read:

87101 DEFINITIONS (Continued)

87101

a. (1) - (5) (Continued)

b. (1) - (2) (Continued)

c. (6) Control of Property. "Control of Property" means the right to enter, occupy, and maintain the operation of the facility property within regulatory requirements. Evidence of control of property shall include, but is not limited to, the following:

(A) A Grant Deed showing ownership; or

(B) The Lease Agreement or Rental Agreement; or

(C) A court order or similar document which shows the authority to control the property pending outcome of probate proceeding or estate settlement.

d. (1)- (5) (Continued)

e. (1) Elderly Person. (Continued)

(2) Emergency Approval to Operate. "Emergency Approval to Operate" (EAO) means a temporary approval to operate a facility for no more than 60 days pending the issuance or denial of a license by the licensing agency.

(3) Evaluator. (Continued)

(4) Evidence of Licensee's Death. "Evidence of Licensee's Death" shall include, but is not limited to, a copy of the death certificate, obituary notice, certification of death from the decedent's mortuary, or a letter from the attending physician or coroner's office verifying the death of the licensee.

(5) Exception. (Continued)

(6) Existing Facility. (Continued)

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.191(e) and 1569.193(a) and (c), Health and Safety Code.

Amend Section 87113 to read:

87113 TRANSFERABILITY

87113

- (a) The license shall not be transferable. The licensee shall notify the licensing agency and the resident receiving services, or the resident's responsible person, in writing as soon as possible and in all cases at least thirty (30) days prior to the effective date that any change in ownership, licensee, type of license or location of the facility is to occur.
- (b) The licensee shall notify the licensing agency and all residents receiving services, or their responsible persons, in writing as soon as possible and in all cases at least sixty (60) days prior to the effective date that any change in ownership of the facility occurs as required by Health and Safety Code Section 1569.191(a)(1).
- (c) In all other instances, including a change in licensee, type of license, or location of the facility, the licensee shall notify the licensing agency and all residents receiving services, or their responsible persons, in writing as soon as possible and in all cases at least thirty (30) days prior to the effective date of that change.
- (d) In the case of change of ownership or licensee a new application for license shall be submitted by the prospective new licensee.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.11, and 1569.191, Health and Safety Code.

Amend Section 87114 to read:

87114 CONTINUATION OF LICENSE UNDER EMERGENCY CONDITIONS 87114

- (a) The licensing agency may consent to a change of location and continuation of the existing license of any facility for a reasonable period of time when the change is requested because of the accidental destruction of the licensed premises or similar emergency conditions, so long as the new location or place of performance conforms to building, fire and life safety standards.
- (b) In the event of a licensee's death, the licensing agency shall be permitted to consent to an adult relative operating a previously licensed facility providing the requirements of Section 1569.193 of the Health and Safety Code are met.

=====

HANDBOOK BEGINS HERE

- (1) Health and Safety Code, Section 1569.193 provides:
  - (a) When a licensee dies, an adult relative who has control of the property may continue operation of the facility if the following conditions are met:
    - (1) The department receives notification of the death during the next normal workday and is informed of the relative's intent to continue operating the facility as a residential care facility for the elderly.
    - (2) The relative files an application within five days of the date of death, shows evidence satisfactory to the department that he or she has the ability to operate the facility, submits his or her fingerprint card, and provides evidence of the licensee's death.
  - (b) The department shall make a decision within 60 days after the application is submitted on whether to issue a provisional license pursuant to Section 1569.21. A provisional license shall be granted only if the department is satisfied that the conditions specified in subdivision (a) have been met and that the health and safety of the residents of the facility will not be jeopardized.

(c) If the relative complies with this section, he or she shall not be considered to be operating an unlicensed facility while the department decides whether to grant the provisional license.

HANDBOOK ENDS HERE

=====

- (2) For purposes of Section 87114(b), the adult relative shall have control of property, as defined in Section 87101c.(6), prior to the continued operation of the facility.
- (3) For purposes of Section 87114(b), submission of application within five (5) days of the date of death shall mean within five calendar days of licensee's death.
- (4) For purposes of Section 87114(b), the adult relative shall provide to the licensing agency evidence of the licensee's death as defined in Section 87101e.(4).
- (5) If the adult relative complies with Section 87114(b), he/she shall be issued an Emergency Approval to Operate (EAO) as defined in Section 87101e.(2).
  - (A) The applicant (adult relative) who is issued an EAO shall perform all the duties, functions, and responsibilities required of a licensee.
  - (B) Failure to comply with licensing laws and regulations under Section 87114(b) as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO.
  - (C) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.
- (c) In the event of the sale and transfer of property and business, the applicant (buyer) shall be issued an EAO if the applicant (buyer) complies with Section 1569.191 of the Health and Safety Code.

=====

HANDBOOK BEGINS HERE

(1) Health and Safety Code, Section 1569.191 provides:

(a) Notwithstanding Section 1569.19, in the event of a sale of a licensed facility where the sale will result in a new license being issued, the sale and transfer of property and business shall be subject to both of the following:

(1) The licensee shall provide written notice to the department and to each resident or his or her legal representative of the licensee's intent to sell the facility at least 60 days prior to the transfer of property or business, or at the time that a bona-fide offer is made, whichever period is longer.

(2) The licensee shall, prior to entering into an admission agreement, inform all residents, or their legal representatives, admitted to the facility after notification to the department, of the licensee's intent to sell the property or business.

(b) Except as provided in subdivision (e), the property and business shall not be transferred until the buyer qualifies for a license or provisional license within the appropriate provisions of this chapter.

(1) For purposes of this section, it shall be the seller's responsibility to inform a prospective buyer of the necessity to obtain a license, as required by this chapter, if the buyer's intent is to continue operating the facility as a residential care facility for the elderly.

(2) For purposes of this section, it shall be the buyer's responsibility to apply for a license, as specified in Section 1569.15, within five days of the acceptance of the offer by the seller..

(c) No sale of the facility shall be permitted until 60 days have elapsed from the date upon which notice has been provided pursuant to paragraphs (1) and (2) of subdivision (a).

- (d) The department shall give priority to applications for licensure which are submitted pursuant to this section in order to ensure timely transfer of the property and business. The department shall make a decision within 60 days after the application is submitted on whether to issue a license pursuant to Section 1569.15.
- (e) If the parties involved in the transfer of the property and business fully comply with this section then the transfer may be completed and the buyer shall not be considered to be operating an unlicensed facility while the department makes final determination on the application for licensure.

HANDBOOK ENDS HERE

=====

- (2) The applicant adult relative who is issued an EAO shall perform all the duties, functions and responsibilities required of a licensee.
- (3) Failure to comply with licensing laws and regulations under this section as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO.
- (4) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.
- (d) "A bona-fide offer", as specified in Health and Safety Code Section 1569.191(a)(1), shall mean a proposal by the buyer to purchase the facility with definite terms in writing communicated to the seller and accompanied by a cash deposit.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.191 and 1569.193, Health and Safety Code.

Amend Section 87457 to read:

87457 UNLICENSED FACILITY PENALTIES

87457

- (a) A penalty of \$200 ~~\$100~~ per day per resident shall be assessed for the operation of an unlicensed facility under either of the following conditions: (Continued)
- (b) ~~The~~ A \$200 per day per resident penalty shall be assessed for the continued operation of an unlicensed facility as follows:
  - (1) (Continued)
    - (A) The \$200 per day per resident penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 87457 (a)(1)(A) and (B).
  - (2) (Continued)
    - (A) The \$200 per day per resident penalty shall continue until the operator ceases operation.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.10, 1569.44, 1569.45, and 1569.485, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

FILED  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL

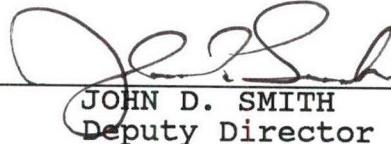
JUL 10 1991

At 4:44 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Anne M. Menasian  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0610-02

  
JOHN D. SMITH  
Deputy Director

07/10/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90)

(See instructions on reverse)

For use by Secretary of State only

**APPROVED**

For use by Office of Administrative Law (OAL) only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z-90-0619-01	91-0628-015		
For use by Office of Administrative Law (OAL) only				
NOTICE	<p style="text-align: center;">1991 JUN 28 PM 2 06</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING</p> <p style="text-align: center;">JUL 26 1991</p> <p style="text-align: center;">Office of Administrative Law REGULATIONS</p>			
AGENCY				AGENCY FILE NUMBER (If any)
State Department of Social Services			0190-04	

**FILED**  
 in the office of the Secretary of State  
 of the State of California

JUL 26 1991

A T 3:37 o'clock P.M.  
 MARCHING EU, Secretary of State  
 B) Anne M. Movassagh  
 Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/ Withdrawn				NOTICE REGISTER NUMBER <u>90-0628-015</u> PUBLICATION DATE <u>6-29-90</u>

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
<b>SECTIONS AFFECTED</b> 22 TITLE(S)	ADOPT
	AMEND Sections 80007, 84018, 84064, 84065, 84065.1, 84065.6, 84066, 84068.2, 84069.1, 84070, 84072, 84072.1, 84072.2, 84077, 84079, 84087, 84087.2 and 84088.
	REPEAL

**2. TYPE OF FILING**

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (specify)		

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

March 18, 1991 to April 2, 1991-Sections 84026, 84065, 84065.6, 84068.2, 84069.1, 84079 and 84088.

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
---	--	--

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
---	--	---

 Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau	TELEPHONE NUMBER (916) 445-0313
---	------------------------------------

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Director

DATE

6-25-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 80007(a)(7) to read:

80007 EXEMPTION FROM LICENSURE

- (a) The community care facility regulations contained in this division shall not apply to any of the following:
- (1) (Continued)
  - (2) (Continued)
  - (3) (Continued)
  - (4) (Continued)
  - (5) (Continued)
  - (6) (Continued)
  - (7) Any house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision, as defined in Section 80001(a)(10).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1505, 1508, 1530, 1530.5, 1536.1, Health and Safety Code.

Amend Section 84018(b)(1) to read as follows:

84018 APPLICATION FOR LICENSE

84018

(b) (Continued)

(1) (Continued)

(A) (Continued)

(B) Start-up funds shall be independent of prospective client fees. In cases of a change of ownership, expected income from clients currently in placement shall be considered.

(C) Start-up funds shall not include funds designated for or used for construction costs.

(D) The licensing agency shall have the authority to require written verification of the availability of the funds specified in (A) above.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1520, 1531 and 1562, Health and Safety Code.

Amend Section 84026 as follows:

84026

SAFEGUARDS FOR CASH RESOURCES, PERSONAL  
PROPERTY, AND VALUABLES

84026

(a) (Continued)

(b) The licensee shall have written policies and procedures meeting the requirements in (c) below approved in advance by the licensing agency.

(c) The licensee shall ensure that a child's cash resources are not taken in the form of fines unless the following requirements are met:

(1) All fines levied shall be recorded and explained in the child's file/, including the amount of the fine and the reason for the fine.

(2) Such fines shall be maintained in an account separate from the personal or business accounts of the licensee or facility.

(A) Records shall be maintained accounting for any interest earned and expenditures from the account.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Sections 84064(e)(1)(A) and (f) as follows:

84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES

84064

(e) (Continued)

(1) (Continued)

(A) Have a master's degree in a behavioral science from an accredited college or university, plus a minimum of one year of employment as a social worker as defined in Section 80001(a)(47), in an agency serving children or in a group residential program for children. (Continued)

(f) (Continued)

(1) Administrators who transfer to a facility with additional administrator requirements must meet the additional qualifications.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1531 and 1562, Health and Safety Code.

Amend Sections 84065(b) and (d) as follows:

84065 PERSONNEL REQUIREMENTS

84065

(a) (Continued)

(b) The licensee shall employ those administrative, child care, social work and support staff necessary to perform the assigned duties specified in applicable law and regulation.

(c) (Continued)

(d) In facilities with a licensed capacity of six or fewer clients, the facility The licensee shall designate at least one facility manager who meets the following requirements to be present at the facility at all times when children are present:/;

(1) This requirement shall apply only to new facilities which apply for a license after January 1, 1985.

(1) The facility manager shall meet one of the following requirements prior to employment. (Continued)

(2) This requirement does not apply to facilities with a licensed capacity of six or less which were licensed prior to January 1, 1985.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1522.4, 1531 and 1562, Health and Safety Code.

Amend Sections 84065(f)(1), (g)(1), and (h)(1) as follows:

84065 PERSONNEL REQUIREMENTS

84065

(f) (Continued)

(1) (Continued)

HANDBOOK BEGINS HERE

(A) The number of hours of consultation may be based on the size of the facility, qualifications of personnel, availability or lack of community resources, type of population, documentation of unmet needs and the number of hours provided by a social worker employed by the facility.

HANDBOOK ENDS HERE

(g) (Continued)

(1) (Continued)

HANDBOOK BEGINS HERE

(A) The number of hours of consultation may be based on the size of the facility, qualifications of personnel, availability or lack of community resources, type of population, documentation of unmet needs and the number of hours provided by a social worker employed by the facility.

HANDBOOK ENDS HERE

(h) (Continued)

(1) (Continued)

(A) (Continued)

(B) Continuing education, training and classes may be provided at the facility.

(C) Proof of course attendance and completion shall be limited to official grade slips, transcripts, certificates or signed documentation from a college, adult education department, a bona fide educational institution/organization or licensee association.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1522.4, 1531 and 1562, Health  
and Safety Code.

Amend Sections 84065.1(a)(1)(A) and (e) as follows:

84065.1 NIGHT SUPERVISION

84065.1

(a) (Continued)

(1) (Continued)

HANDBOOK BEGINS HERE

(A) Health and Safety Code Section 1522.4(a)(3)  
also states:

HANDBOOK ENDS HERE

(e) (Continued)

- (1) Household duties directed towards development of self-help skills may be performed by the children in placement. Participation in these duties shall be voluntary and specified in the needs and services plan.
- (2) No household duties shall go undone because a child refuses to participate.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1522.4 and 1531, Health and Safety Code.

Amend Section 84065.6(b)(1) as follows:

84065.6 NIGHT SUPERVISION

84065.6

(a) (Continued)

(b) (Continued)

(1) Another person shall be on call and capable of arriving at the facility site responding within 30 minutes.

HANDBOOK BEGINS HERE

(A) The use of local emergency services does not eliminate the requirement to have an on-call person.

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 84066(b)(4) as follows:

84066        PERSONNEL RECORDS

84066

(a) (Continued)

(b) (Continued)

(4) Documentation of the completion by each child care staff person of the training specified in Section 84065(g) through (g)(2)(F). (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference:       Sections 1501, 1531 and 1562, Health and Safety Code.

Amend Sections 84068.2(a) and (b) and reletter existing (b), (c), and (d) to (c), (d), and (e):

84068.2 NEEDS AND SERVICES PLAN

84068.2

(a) Social work staff shall obtain the information specified in Section 84070, and shall develop an individual needs and services plan for the child which meets the requirements specified in (b) through (d) below.

(1) A needs and services plan is not required for children who are placed in the facility on an emergency basis and who will remain in placement for less than seven days as documented in the child's record.

(b) (Continued)

(c) (Continued)

(d) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 84069.1(a) to read:

84069.1 IMMUNIZATIONS

84069.1

- (a) A child for whom vaccination against the following diseases cannot be verified shall receive the first doses of the appropriate vaccines within ~~within~~ 30 calendar days of placement in the facility and shall receive follow-up doses as recommended by the physician who administered the first doses. (Continued)

HANDBOOK BEGINS HERE

- (1) Verification of immunizations can include a copy of the California School Immunization Record (PM 286) or a written immunization record from a physician or clinic. Immunization records must show the date of receipt of each required dose.

HANDBOOK ENDS HERE

- (b) Notes from parents, guardians, etc., are not acceptable documentation.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

Amend Sections 84070(b)(1) and (c)(4) as follows:

84070 CHILDREN'S RECORDS

84070

(a) (Continued)

(b) (Continued)

(1) The name, address and telephone number of the person(s) all adults with whom the child ~~was been~~ was living, immediately prior to the current placement.

(c) (Continued)

(4) Records and documentation regarding any fines levied as specified in Sections 84026(bC) (1) through (4).

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

Add Section 84072(b)(5) as follows:

84072 PERSONAL RIGHTS

84072

- (a) (Continued)
- (b) (Continued)
- (5) (Continued)

(A) Rules regarding visitation hours, sign-in rules and visiting rooms can be established but shall apply to all visitors. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Sections 84072.1(a)(1) and (c)(2) as follows:

84072.1 DISCIPLINE POLICIES AND PROCEDURES

84072.1

(a) (Continued)

(1) Staff, children and authorized representatives shall receive copies of such policies and procedures, as specified in Section 84065(jk) and 84068.1(b)(4)(B).

(c) (Continued)

(1) (Continued)

(2) Institution of fines as specified in Section 84026(bc).  
(Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Sections 84072.2(a) and (a)(1) as follows:

84072.2 COMPLAINT PROCEDURES

84072.2

(a) (Continued)

HANDBOOK BEGINS HERE

Children and/or their authorized representatives may file complaints with the licensing agency.

HANDBOOK ENDS HERE

- (1) Staff, children and authorized representatives shall receive copies of such procedures, as specified in Sections 84065(jk) and 84068.1(b)(4)(B). (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

Amend Section 84077(A) as follows:

84077 PERSONAL SERVICES

84077

(Aa) The licensee shall ensure the following:

(1) (Continued)

(A) (Continued)

(2) Provision of an allowance to all children no less frequently than once per month/ except:

(A) If the child in placement is an infant as defined in Section 80001.

(B) If the child is unable to manage his/her own money because of age or if the authorized representative determines that the child cannot manage his/her own money.

(1) If the authorized representative considers the child incapable of money management, it must be specified in the needs and services plan.

(3) Portions of a child's allowance may be withheld through a fining system as specified in Section 84026.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 84079(a)(5) as follows:

84079        PLANNED ACTIVITIES

84079

(a) (Continued)

(5) Activities which meet the training, money management and personal care and grooming needs identified in the children's needs and services plans, as specified in Section 84068.~~12(bc)~~ (3) through (5).

Authority Cited: Section 1530, Health and Safety Code.

Reference:       Sections 1501 and 1531, Health and Safety Code.

Amend Section 84087(b) as follows:

84087 BUILDINGS AND GROUNDS

84087

(a) (Continued)

(b) (Continued)

- (3) Children ~~shall not share a bedroom with children~~ of the opposite sex shall not share a bedroom unless each child is under five years of age.
- (4) No room commonly used for other purposes shall be used as a bedroom ~~for any child~~.
- (5) No ~~child's~~ bedroom shall be used as a public or general passageway to another room, bath or toilet.
- (6) Except for infants, children shall not share a bedroom with an adult.

HANDBOOK BEGINS HERE

(A) If two children have been sharing a bedroom and one of them turns 18 they may continue to share the bedroom as long as they remain compatible and the licensing agency has granted an exception pursuant to Section 80024.

HANDBOOK ENDS HERE

- (67) Private bedrooms, separate from the children's bedrooms ~~but located near their sleeping area~~ shall be provided for staff or other adults who sleep at the facility.
- (A) Staff bedrooms are to be located near the children's sleeping area.
- (8) Subsections (1), (2), (3), (4), (5), and (6) apply to all bedrooms used by all children in the facility including children who are members of the licensee's family, children of staff members and children in placement.
- (9) Subsections (4), (5) and (7) apply to all bedrooms used by the licensee(s), staff and any other adults in the facility.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Add Section 84087.2(a) as follows:

84087.2 OUTDOOR ACTIVITY SPACE

84087.2

(a) (Continued)

- (1) Outdoor activity space meeting the requirement of (a) above shall include but not be limited to activity centers and public parks.
- (2) A sketch of the physical plant as required in the plan of operation pursuant to Section 80022, shall include the location(s) of outdoor activity space. (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 84088(e)(3) as follows:

84088 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES

84088

(e) (Continued)

(3) (Continued)

HANDBOOK BEGINS HERE

(A) Intercoms may be used to meet the requirement for a signal system as long as all facility clients are capable of using the intercom system, and the intercom system meets all the requirements of a signal system.

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

FINAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

Many regulations governing the licensure of Group Home facilities are being interpreted through policy that provides clarification and standardization regarding the implementation of the regulation. However, some policy has been determined to be regulatory in nature. Therefore, these regulations are necessary to incorporate specific policy interpretation into regulatory language which is enforceable upon the licensee.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 80007(a)(7)

Specific Purpose:

This section is being added to include in the list of facilities exempt from licensure as a community care facility, homeless shelters. These shelters will be exempt from licensure as long as no element of care and supervision as defined in General Licensing Requirements, Section 80001(a)(10) is provided.

Factual Basis:

This regulation is necessary as "homeless shelters" were statutorily added to the list of exempt facilities contained in Health and Safety Code Section 1505, (Chapter 1409, Statutes of 1987).

Section 84018(b)(1)(B) and (b)(1)(C)

Specific Purpose:

These sections are being added to provide clarification regarding funds that must be available for the solvency of any prospective Group Home.

Factual Basis:

This section is necessary to clarify that construction fees and prospective client fees are not to be included as start-up funds by prospective licensees. Start-up funds are monies specific to the operation of the facility.

Section 84026(b)

Specific Purpose:

This section is being added to require facilities to develop written policies and procedures regarding the taking of a child's cash resources in the form of a fine. Additionally, such policies and procedures require prior approval by the licensing agency.

Factual Basis:

This amendment is necessary for two reasons: 1) the requirement for written policies and procedures ensures that the facility develops policy and procedures in the area of a fining system; 2) such policies and procedures require prior approval by the licensing agency in order to ensure that they are not contrary to licensing regulations.

Final Modification:

This regulation was amended to add "The licensee shall have..." to the requirement for written procedures and policies for the taking of a child's cash resources. This language was added to provide clarity as to who, within the agency, is responsible for ensuring that written policies and procedures exist.

Section 84026(c)

Specific Purpose

This section is being renumbered from subitem (b) to subitem (c).

Factual Basis:

This renumbering is necessary as a new subitem (b) was inserted and all proceeding subsections need to be renumbered.

Section 84026(c)(1)

Specific Purpose:

This section is being amended to specify what information must be included in the child's file when fines are taken from a child's cash resource.

Factual Basis:

This amendment is necessary in order to inform licensees of what specific information needs to be recorded in the child's file when a child's monies are taken in the form of a fine.

Section 84026(c)(2)(A)

Specific Purpose:

This section is being added to require licensees to maintain records of any interest earned and monies expended from the accounts.

Factual Basis:

This amendment is necessary to ensure that complete records of account activity are maintained.

Section 84064(e)(1)(A)

Specific Purpose

This section is being amended to change a cited reference in the regulation.

Factual Basis:

This amendment is necessary as the definition of a social worker in the General Licensing Requirements is subitem 80001(a)(47). Current regulations cite subitem (45).

Section 84064(f)(1)

Specific Purpose:

This section is being added to clarify that administrators of facilities serving 12 or fewer children who are transferring to larger facilities must meet the additional administrator qualifications.

Factual Basis:

This amendment is necessary to apprise licensees and administrators of the requirement to meet the appropriate administrator qualifications based on the licensed capacity of the facility.

Final Modification:

For clarity, the word "different" was changed to "additional."

Section 84064(f)(2)

Specific Purpose:

This section is being added to clarify that administrators may transfer to facilities of like-size and not be required to meet differing requirements.

Factual Basis:

This amendment is necessary as administrators hired prior to 1983 were grandfathered and do not have to meet the additional administrator qualifications as long as they have no break in service exceeding three consecutive years. This grandfathering clause will continue to apply to administrators in facilities of like-size. The grandfathering clause, however, does not apply if an administrator transfers to a facility serving 13 or more as such facilities require additional administrator qualifications.

Final Modification:

Subsection 84064(f)(2) was deleted after the Department determined the proposed change to be unnecessary.

Section 84065(b)

Specific Purpose:

This section is being amended to include the hiring of qualified social work staff as an ongoing responsibility of the licensee.

Factual Basis:

This amendment is necessary as the regulation currently requires the licensee to employ administrative, child care and support staff necessary to perform the duties required in applicable law and regulation. As Group Homes are required to employ social work staff, this amendment clarifies that the licensee is also responsible for the individuals hired to perform this function.

Section 84065(c)

Specific Purpose:

This section is being amended to correct an inappropriate cross reference referring to subsection (b) rather than subsection (c).

Factual Basis:

This amendment is necessary as the cite as to the duties of social work staff are contained in subsection (c) of Section 84065.1. The regulation currently cite subsection (b).

Section 84065(d)

Specific Purpose:

This section is being amended to require a facility manager to be designated in a Group Home regardless of the size of the Group Home.

Factual Basis:

This amendment is necessary as Chapter 836, Statutes of 1987 (AB 2147) extended the requirement for a facility manager to facilities of any size. The regulation is being amended to reflect current law.

Section 84065(d)(1)

Specific Purpose:

This subsection is being deleted as the section on facility manager has been restructured to accommodate a legislative change.

Factual Basis:

The restructuring of subitem (1) is necessary as a legislative change required the rewriting of this section.

Section 84065(d)(2)

Specific Purpose:

Subsection, 84065(d)(2) has been renumbered to subitem (1) to reflect a change in the numbering caused by the deletion of existing subitem (1).

Factual Basis:

The renumbering of subitem (d)(2) to (d)(1) is necessary to reflect deletions in the current regulations.

Section 84065(d)(2)

Specific Purpose:

This section is being added to exempt from the requirement for a facility manager those facilities with a capacity of six or fewer licensed prior to January 1, 1985.

Factual Basis:

This regulation is necessary as the statute exempts such facilities from the requirement for a facility manager.

Section 84065(f)(1)

Specific Purpose:

This section is being amended to add handbook language which provides criteria to consider in determining the number of hours of consultation needed by facilities serving children diagnosed as mentally disordered.

Factual Basis:

This handbook section clarifies existing regulatory language requiring monthly consultation on the facility's program of service when the facility is serving children diagnosed as mentally disordered.

Section 84065(g)(1)

Specific Purpose:

This section is being amended to add handbook language which provides criteria to consider in determining the number of hours of consultation needed by facilities serving children diagnosed as developmentally disabled.

Factual Basis:

This handbook section clarifies existing regulatory language requiring monthly consultation on the facility's program of service when the facility is serving children diagnosed as developmentally disabled.

Sections 84065(h)(1)(B) and (h)(1)(C)

Specific Purpose:

These subsections are being added to clarify that 1) continuing education can include training classes at the facility site and 2) proof of course attendance must be documented by official grade slips, transcripts, etc.

Factual Basis:

This amendment is necessary as the current continuing education requirement for child care workers does not specify where such educational training is to be obtained, leaving it up to interpretation if classes attended at the facility are acceptable. Additionally, proof of course attendance verified by official documentation is needed to ensure that such educational classes were attended.

Final Modification:

The language in this regulation was amended to provide facility operators and staff with a list of what institutions and/or entities offer educational courses and training which are acceptable to the licensing agency.

Section 84065.1(a)(1)(A)

Specific Purpose:

This section is being amended to delete the word "also" from the handbook language.

Factual Basis:

This deletion is necessary to eliminate confusion in the handbook language.

Section 84065.1(e)(1)

Specific Purpose:

This section is being added to clarify for licensees, authorized representatives and the children themselves the fact that children in Group Homes may perform household duties directed toward development of self-help skills. Participation in these duties must, however, be voluntary and specified in the child's needs and services plan.

Factual Basis:

This amendment is necessary to clarify that children may perform household duties to improve their self-help skills. However, the performance of such duties must be voluntary and specified in the individual's needs and services plan in order to prevent the usage of children in lieu of staff in the performance of household duties.

Section 84065.1(e)(2)

Specific Purpose:

This section is being added to inform licensees that household duties must be done by the staff if the child refuses to participate in a plan to improve his/her self-help skills.

Factual Basis:

This amendment is necessary to apprise licensees that household duties within the facility cannot go undone because of a child's refusal to perform such duties. While self-help skills are important it is necessary to ensure that the facility is kept clean, safe and sanitary at all times.

Section 84065.6(b)(1)

Specific Purpose:

This section is being amended to specify that the on-call night staff must be capable of arriving at the facility site within 30 minutes.

Factual Basis:

This amendment is necessary as some facilities have interpreted telephone calls to the facility site as meeting the response mandate. It is necessary, however, for the on-call person to be able to arrive at the facility site within 30 minutes to assist in calming clients after an emergency, power failures, etc.

Final Modification:

The section heading was erroneously titled "Personnel Requirements." A correction has been made by the Department so that the section is now correctly titled "Night Supervision."

Section 84065.6(b)(1)(A)

Specific Purpose:

This handbook language is being added to clarify that emergency service staff does not eliminate the need for facility staff for the purpose of emergency response.

Factual Basis:

This handbook language is necessary as Group Homes are required to have a 1:10 ratio of staff to children during the nighttime hours which must be maintained. The availability of emergency services does not nullify this requirement.

Section 84066(b)(4)

Specific Purpose:

This section is being amended to correct an inappropriate cross reference.

Factual Basis:

This amendment is necessary to correctly cite the regulations requiring training for child care staff.

Section 84068.2(a)(1)

Specific Purpose:

This amendment is being added to exempt from the requirement of a needs and services plan children who are placed in a facility for less than 7 days.

Factual Basis:

This amendment is necessary to provide an exemption from the requirement to develop a needs and services plan for children placed in a Group Home emergency shelter arrangement on a temporary basis during a crisis situation. In these cases, it is inappropriate to require a needs and services plan as the children will likely be removed from the facility's care before completion of this information. The information which comprises the needs and services plan is necessary and required for placements of a duration longer than 7 days.

Final Modification:

This section has been revised to provide an exemption from the requirement to develop a needs and services plan placements of a duration less than 7 days. Language was added to this section to require that in those cases when a needs and services plan is not required, this fact must be documented in the child's record.

Section 84069.1(a)

Specific Purpose:

This section is being amended to change the timeframe from 10 to 30 days for the first dose vaccination of children for whom licensees cannot obtain verification of immunization records.

Factual Basis:

This amendment is necessary to avoid unnecessary immunizations. For most children in Group Homes, the immunizations have been given to the child but there may be a delay in getting the records transferred when the child is relocated. As the schools allow 30 days in which to produce records of immunization, this timeframe is also appropriate for licensing requirements in order to avoid unnecessary revaccination of the child.

Section 84069.1(a)(1)

Specific Purpose:

This section is being amended to add handbook language to provide clarification as to what documentation is acceptable for verification of immunizations.

Factual Basis:

This handbook language is necessary to specify what verification of immunization is acceptable for children in out-of-home care.

Final Modification:

The last sentence of this handbook language has been moved and adopted as regulation to notify licensees, facility employees, and those individuals making placements in the facility that letters, notes, etc. from parents and/or guardians are not acceptable forms of documentation for required immunizations.

Section 84069.1(b)

Specific Purpose:

The purpose of this section is to prohibit the use of notes, letters, etc. from parents and/or guardians as acceptable documentation for required immunization of children.

Factual Basis:

The language of this section was previously contained in handbook subitem 84069.1(a)(1). Realizing that handbook material, unless it is a duplication of law or other regulations, is merely suggestive, it is necessary that the Department make this language regulatory in order that affected individuals are properly informed of the prohibition against documenting required immunizations through such an informal process.

Section 84070(b)(1)

Specific Purpose:

This section is being amended to specify that the name, address and telephone number of all adults with whom the child was living immediately prior to his/her current placement must be maintained in the child's facility file.

Factual Basis:

This amendment is necessary in order to clarify that the information on persons with whom the child had been living is referring only to those adults with whom the child was living immediately prior to his/her current placement.

Section 84070(c)(4)

Specific Purpose:

This section is being amended to correct an inappropriate cross reference.

Factual Basis:

This section is necessary to correctly cite the appropriate regulation regarding a fining system.

Section 84072(b)(5)(A)

Specific Purpose:

This section is being added to allow facilities to set rules and times for visitors if such rules are applicable to all visitors.

Factual Basis:

This regulation is being added to ensure standardization and uniformity in a facility for visitors and visitation policies.

Section 84072.1(a)(1)

Specific Purpose:

This section is being amended to correct an inappropriate cross reference.

Factual Basis:

This amendment is necessary to correctly cite the appropriate regulations.

Section 84072.1(c)(2)

Specific Purpose:

This section is being amended to correct an inappropriate cross reference.

Factual Basis:

The amendment is necessary as an additional requirement was added to Section 84026 and therefore, the cite numbers have been changed. (See Statement of Facts under Section 84026).

Section 84072.2(a)

Specific Purpose:

This section is being amended to add handbook language stating that complaints may be filed with the licensing agency even in those situations where the licensee/facility staff have already been apprised of the problem and resolution has been made.

Factual Basis:

This handbook language is necessary to clarify for licensees, authorized representatives and children in placement that these children and/or their authorized representatives have the right to file a complaint with the licensing agency regardless of facility staff correction of the problem.

Section 84072.2(a)(1)

Specific Purpose:

This section is being amended to correct an inappropriate cross reference.

Factual Basis:

This amendment is necessary as an additional regulation was added to Section 84065 requiring a renumbering of the section.

Section 84077(A)

Specific Purpose:

This section is being amended to correct an inappropriate section number.

Factual Basis:

This amendment is necessary to amend an incorrect section cite.

Section 84077(a)(2)

Specific Purpose:

This section is being amended to include the exception when a child need not be provided an allowance.

Factual Basis:

This amendment is necessary as current regulations require the issuance of an allowance to all children at least once a month. Circumstances, including a child's ability to manage his/her own funds may be cause to have staff handle a child's monies. Regulations to address the issuance of an allowance are therefore necessary.

Section 84077(a)(2)(A)

Specific Purpose:

This amendment is being added to exempt from provision of an allowance children in placement who are infants.

Factual Basis:

This amendment is necessary because under current regulations, all children who reside in Group Homes are entitled to an allowance. This regulation would eliminate the unnecessary requirement that infants receive an allowance.

Section 84077(a)(2)(B)(1)

Specific Purpose:

This section is being added to allow the facility staff to withhold a child's allowance if the authorized representative determines that the child is unable to manage his/her money and specifies this in the needs and services plan.

Factual Basis:

This amendment is necessary to protect those children in Group Homes who are not able to manage their own money. Such children may purchase drugs, alcohol, etc. The child's ability to manage his/her own funds will be reviewed on a routine basis and can be amended at such time as the child can manage his/her monies.

Section 84077(a)(3)

Specific Purpose:

This section is being added to allow licensees to withhold a portion of a child's allowance through the fining system.

Factual Basis:

This amendment is necessary as children must be accountable for their actions. As such, when a child deliberately causes damage and/or permanent destruction of property, there must be a provision made whereby the child is held accountable. This regulation allows for a portion of a child's allowance to be withheld through a fining system.

Section 84079(a)(5)

Specific Purpose:

This section is being amended to correct an inappropriate section number.

Factual Basis:

This amendment is necessary to change an incorrect section cite.

Final Modification:

The cross-reference in this section was corrected and made more complete. Section 84068.1(c) was changed to Section 84068.2(c)(3) through (5).

Section 84087(b)(3)

Specific Purpose:

This section is being amended to make the regulatory language consistent with the other categories of children's residential facilities.

Factual Basis:

This amendment is necessary to make the language consistent with other residential categories. The regulation is not new, the change is grammatical only.

Section 84087(b)(4)

Specific Purpose:

This section is being amended to clarify that no room commonly used for other purposes shall be used as a bedroom.

Factual Basis:

This amendment is necessary as current regulation prevent children from using as a bedroom, any room commonly used for other purposes. This amendment will apply this regulation to all bedrooms in the facility regardless of whether it is occupied by a child or an adult.

Section 84087(b)(5)

Specific Purpose:

This section is being amended to change the regulation whereby no bedroom shall be used as a passageway to another room, bath, or toilet.

Factual Basis:

This amendment is necessary as regulations currently disallow a child's room from being used as a passageway. As adult staff members and members of the licensees' families may also sleep at the facility this same regulation will be applicable to all bedrooms.

Section 84087(b)(6)

Specific Purpose:

This section is being added to prevent situations where children are provided sleeping accommodations with an adult.

Factual Basis:

This amendment is necessary as children sleeping in the facility, whether in placement or members of the licensee's or staff's family, should not be sharing a bedroom with an adult (defined as a person age 18 or older). This regulation offers a safeguard for the licensee's children by avoiding their displacement in order to provide a bedroom for children in placement. Additionally, children in placement should not share bedroom accommodations with an adult.

Section 84087(b)(6)(A)

Specific Purpose:

This handbook language is being added to describe a situation where an adult, age 18 and older, could continue to share a bedroom with a child as long as the adult and child remain compatible, as defined in the American Heritage Dictionary and an exception has been granted by the licensing agency.

Factual Basis:

This handbook language is necessary to avoid disruption of placements when two children have been sharing a bedroom and one of the children turns 18 years of age and will continue in placement for a limited time.

Section 84087(b)(7)

Specific Purpose:

This section is being amended to specify that any adults in a Group Home facility are to have sleeping accommodations separate from the children.

Factual Basis:

This amendment is necessary as this regulation currently specifies that staff have sleeping accommodations separate from the children. As adults other than staff may be sleeping in the facility, provisions must be made to ensure that separate bedrooms are provided for any adults sleeping in the facility.

Section 84087(b)(7)(A)

Specific Purpose:

This section is being added to ensure that staff who are on duty but sleeping at the facility are in close proximity to the children's bedrooms in order to respond to any emergency or crisis situation.

Factual Basis:

This amendment is necessary in order to avoid situations where staff sleeping at the facility are located so far from the children that they are unaware of the presence of an emergency or crisis situation.

Section 84087(b)(8)

Specific Purpose:

This section is being added to specify that the minimum requirements provided in Section 84087(b)(1) through (6) apply to all bedrooms used by children living in the facility.

Factual Basis:

This section is necessary to ensure that each child is afforded privacy and that family members, guardianship children and adults in the home are not displaced to accommodate children in placement.

Section 84087(b)(9)

Specific Purpose:

This section is being added to specify that the minimum requirements in Sections 84087(b)(4)(5) and apply to all bedrooms used by adults residing in the facility, including the licensee.

Factual Basis:

This section is necessary to ensure that each individual is afforded privacy and that the licensee and other adults residing in the facility are not displaced to accommodate children in placement.

Section 84087.2(a)(1)

Specific Purpose:

This section is being added to require that licensees who live in housing arrangements which do not have yards provide alternative outside activity space including public parks and activity centers for children to play in.

Factual Basis:

This section is necessary because the Department does not want to preclude a facility from being licensed solely because it is a housing arrangement which does not have a traditional yard. This section is also necessary to ensure that children have the required outdoor activity space. In this situation, activity centers or public parks are acceptable outside activity areas.

Section 84087.2(a)(2)

Specific Purpose:

This section is being added to require the licensee to include the location of the outdoor activity space in the required plan of operation.

Factual Basis:

The adoption of this section is necessary to ensure that the licensing agency has approved the outdoor activity space as part of the plan of operation.

Section 84088(e)(3)

Specific Purpose:

This handbook language is being added to clarify that intercom system may be used in lieu of a signal system.

Factual Basis:

This handbook section is necessary to provide instruction regarding the use of an intercom system for a signal system.

Final Modication:

For a more specific citation, the added handbook material under subitem 84088(e)(3) has been designated as subitem 84088(e)(3)(A).

c) Identification of Documents Upon Which Department Is Relying

Assembly Bill (AB) 586, Chapter 1409, Statutes of 1987.

d) Testimony Summary and Response

These Group Home Clean-up regulations were considered at public hearings on August 14, 15, and 16, 1990. No oral testimony concerning these regulations was presented at the hearings. The Department did receive written comments from Agnes T. Trincherio of Florence Crittenton Services of Orange County, Inc. and a letter of "no comment" from Los Angeles County Department of Public Social Services (LADPSS). A summary of comments and the Department's responses follow below.

Section 84065.6(b)(1)

Comment:

Agnes T. Trincherio submitted the following comment:

"Section 84065.6(b)(1) - The handbook language requires a group home to have a 1:10 ratio of staff to children during the nighttime hours. The availability of emergency services does not nullify this requirement.

"Based on 22 years as a residential group home provider, we believe the requirement of a 1:10 ratio for nighttime staff represents an excessive staffing pattern. The current Title 22 regulation calling for a nighttime ratio of 1:30 has, in our experience, provided proper safety, protection and supervision for the children in our care."

Response:

The ratios of staff to children for day and night supervision in Group Homes remain unchanged from the current regulations. From 7 a.m. to 10 p.m., one on-duty child care staff person is required for each ten children or fraction thereof. Night supervision, defined as 10 p.m. to 7 a.m., requires one child care staff person on duty for each 12 or fewer children. Group Homes having a capacity of 13 to 30 children are required to have on staff person awake and on duty from 10 p.m. to 7 a.m., and another person capable of responding within 30 minutes. (Emphasis added) The regulatory change does require the on-call person to be capable of "arriving at the facility site" within 30 minutes. This change is intended to clarify that the on-call person must be able to arrive at the facility if needed for an emergency. As stated in the factual basis for the necessity of this change, "capable of responding" was oftentimes interpreted as a telephone call to the facility.

e) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. Therefore, no state-mandated local costs exists which would require reimbursement under the laws of California.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

SDSS has determined that these regulations will result in no fiscal impact on private persons or business.

SDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

g) Small Business Impact Statement

SDSS has determined that these regulations will result in no adverse fiscal impact on small businesses.

UPDATED INFORMATIVE DIGEST

Many of the Department's regulations governing the licensure of Group Home facilities have been interpreted through policy guidelines which provided clarification and standardization regarding the implementation/enforcement of the regulations. However, some of the policy guidelines have been determined by the Department to be regulatory in nature and must meet the requirements of the Administrative Procedure Act (APA).

Therefore, these proposed regulations would implement SDSS policy guidelines relating to Group Home facilities in the specific areas of Application Procedures (Article 3), Continuing Requirements (Article 6), and Physical Environment (Article 7).

Also, proposed Section 80007 implements, interprets or makes specific the requirements of Assembly Bill (AB) 586, Chapter 1409, Statutes of 1987 which exempted Homeless Shelter from the licensure requirements of the California Community Care Facilities Act.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION  
OF  
APPROVAL

FILE IN  
in the office of the Secretary of State  
of the State of California

JUL 26 1991

At 3:37 o'clock P.M.  
MARCH FONG EU, Secretary of State  
*Anne M. Marascino*  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0628-01

*John D. Smith*  
JOHN D. SMITH  
Deputy Director

07/26/91

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW  
**EMERGENCY NOTICE PUBLICATION/REGULATIONS SUBMISSION APPROVED**  
 (See instructions on reverse)  
 For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <i>91-0716-05E</i>	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
		1991 JUL 16 PM 3:57 OFFICE OF <b>ADMINSORED LAW</b> <b>APPROVED FOR FILING</b> JUL 26 1991 Office of Administrative Law <b>REGULATIONS</b> NOTICE		
AGENCY	State Department of Social Services		AGENCY FILE NUMBER (if any)	0691-26

**FILED**  
 In the office of the Secretary of State  
 of the State of California

JUL 26 1991

1:37 o'clock P.M.  
 MARCH FING EU, Secretary of State  
*Anne M. Mansayer*  
 Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER		PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
ADOPT <b>SECTIONS AFFECTED</b> 40-010; 42-213.5; 44-111.6 & 44-113.14 AMEND 44-133.33 & .6 ; 42-213.2 & 44-111.3	
TITLE(S) MPP	REPEAL

**2. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			

Print Only       Other (specify) \_\_\_\_\_

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

Effective 30th day after filing with Secretary of State       Effective on filing with Secretary of State       Effective other (Specify) **August 1, 1991**

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399)       Fair Political Practices Commission       State Fire Marshal

Other (Specify) \_\_\_\_\_

6. CONTACT PERSON  
 James Rhoads, Asst. Bureau Chief, Regulations Development Bureau      TELEPHONE NUMBER (916) 445-0313

7. *I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.*

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*Lonnie M. Carlson*

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

DATE

7-16-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 40-010 to read:

40-010 IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF  
INELIGIBLE ALIEN PARENT INCOME

40-010

- .1 Sections 42-213.2e., r., and .5, et seq.; 44-111.3 b., et seq., d., e., g., h., i., p. and .6, et seq. as amended herein, shall become effective August 1, 1991.
- .2 Sections 44-113.14, .141, and .142; 44-133.33, .336, .6, .61, .611, .612, .62, .631, et seq. and .633 as amended herein, shall become effective August 1, 1991, and shall be implemented as follows:
  - .21 Beginning August 1, 1991, the CWDs shall implement the amended or adopted provisions for all new AFDC cases.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(ii)(C); 45 CFR 233.20(a)(3)(vi)(B) and (xiv); 45 CFR 233.20(a)(4)(ii); and Darces v. Woods.

Amend Section 42-213 to repeal Sections 42-213.2(e) and (r) and adopt Section 42-213.5 to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued)

42-213

.1 Real Property to Be Excluded (Continued)

.2 Personal Property to Be Excluded (Continued)

e. Federal Payments to Indians and Alaskan Natives

(1) Payments received from the Federal Government under Public Law 90-360 shall be excluded from consideration as personal property when the total of nonexempt personal property, including such payments does not exceed \$200 for each individual adult or minor recipient.

When such payments are converted into other property, the property shall be treated the same as the payments. However, if the property received through such a conversion is again converted, the property (real or personally acquired) is subject to the limitations on property contained in Chapter 42-200.

(2) Payments received from the Federal Government under Public Law 92-734 shall be excluded from consideration.

(3) Per capita payments distributed pursuant to any judgment of the Indian Claims Commission or the Court of Claims in favor of any Indian tribe are exempt (Public Law 92-734).

(4) Receipts derived from lands as specified in 44-111/101/3 are exempt as long as the properties are retained by the original recipient and are not commingled, and can be separately identified as a proportionate share of the recipient's property.

(5) Alaskan Natives

Shares in stock and money payments made to Alaskan Natives under the Alaskan Native Claims Settlement Act are exempt as long as the payments of stock remain separately identifiable and not commingled with nonexempt resources. Any property obtained from stock investments under the Act is not exempt. [Reserved]  
(Continued)

r. The Farmland Income Credit (FIC) payments, whether received as an advance payment or as a single payment at the end of the tax year, shall be excluded for only the portion of receipts. (See Handbook Section 44-111/101/1/1) [Reserved] (Continued)

.3 (Continued)

.4 (Continued)

.5 Other property which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.

.51 Property which is mandatorily exempt under federal law includes, but is not limited to:

.511 Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.

.512 PL 93-134, PL 97-458 and PL 98-64 which exempt as property the funds of Native American tribes including interest earned from, investment income derived from and initial purchases made with such funds when the funds are:

(a) Distributed per capita or held in trust as a result of a judgement awarded by the Indian Claims Commission or U.S. Court of Claims;

(b) Distributed by the Secretary of the Interior on a per capita basis or held in trust.

.513 PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:

(a) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per annum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.

.514 PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry.

.515 PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.

.516 PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.

.517 PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.

.518 PL 101-508 which exempts Earned Income Credit (EIC) payments for the month it is received and the following month.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554 and 11155.5, Welfare and Institutions Code; and 45 CFR 233.20(a)(4)(ii).

Amend Section 44-111 to repeal Sections 44-111.3(b), (d), (e), (g), (h), (i) and (p) and adopt Section 44-111.6 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
(Continued)

44-111

.3 Exemption of Payments from Public Sources

a. (Continued)

b. Federal Payments to Indians

- 17Y Payments received from the Federal Government under Public Law 90-3607 are considered personal property rather than income. (See Section 44-111.2(k) for treatment.)
- 17Y Per capita payments made to Indians under Section 8 of Public Law 87-773 and Public Law 92-284 are exempt from consideration as either income or resources of the recipient.
- 17Y Per capita payments distributed pursuant to any judgment of the Indians Claims Commission or the Court of Claims in favor of any Indian Tribe are exempt. (Public Law 93-134) This exemption applies to any sum which is taken into account in determining eligibility of grant to a recipient.)
- 17Y Shares of stock and money payments made to Alaskan Natives under the Alaskan Natives Claims Settlement Act are exempt. Income resulting directly from stock investments under the Act are not exempt.
- 18Y Pursuant to Section 8 of Public Law 94-114, receipts derived from their lands held in trust and distributed by the Federal Government to members of the following Indian tribes:

Type/ Reservation/ and state

- 18Y Bad River Band of the Lake Superior Type of Chippewa Indians of Wisconsin/
- 18Y Blackfeet Tribe/ Blackfeet/ Montana/
- 18Y Cheyenne Nation of Oklahoma/ Oklahoma/
- 18Y Cheyenne River Sioux Tribe/ Cheyenne River/ South Dakota/
- 18Y Sioux Creek Sioux Tribe/ Sioux Creek/ South Dakota/
- 18Y Lower Brule Sioux Tribe/ Lower Brule/ South Dakota/
- 18Y Peck's Lake Sioux Tribe/ Peck's Lake/ North Dakota/
- 18Y Fort Belknap Indian Community/ Fort Belknap/ Montana/
- 18Y Assiniboin and Sioux Tribes/ Fort Peck/ Montana/
- 18Y Lac Courte Oreilles Band of Lake Superior Chippewa Indians/ Lac Courte Oreilles/ Wisconsin/

1X	Keweenaw Bay Indian Community, L'Anse, Michigan
1Y	Minnesota Chippewa Tribe, White Earth, Minnesota
1A	Navajo Tribe, Navajo, New Mexico
1B	Oglala Sioux Tribe, Pine Ridge, South Dakota
1C	Rosebud Sioux Tribe, Rosebud, South Dakota
1D	Shoshone-Bannock Tribe, Fort Hall, Idaho
1E	Standing Rock Sioux Tribe, Standing Rock, North and South Dakota
1F	Seminole Indians, Florida
1G	Pueblos of Zia and Jemez, New Mexico
1H	Stockbridge Munsee Indian Community, Wisconsin
1I	Burke Indian Colony, Oregon, <u>[Reserved]</u>

c. (Continued)

d. Compensation received by recipients 60 years old or older for volunteer services performed under the Retired Senior Volunteer Program, the Foster Grandparents Program, or the Older Americans Community Service Program of the National Older Americans Act, is exempt, [Reserved]

e. Forty percent of the first \$50 of a collection made by the family of the qualified support obligation which is distributed to the recipient by the family is exempt (PL 93-647). This section applies only to distributions of child support in September 1978 and prior months, [Reserved]

f. (Continued)

g. Payments made under the Domestic Volunteer Services Act of 1973 to welfare recipients who are Vista volunteers are exempt, [Reserved]

h. The value of supplemental food assistance received under the Child Nutrition Act (WIC) and the National School Lunch Act (Public Law 92-433 and 93-138) is exempt, [Reserved]

i. Payments for supportive services of rehabilitation of out-of-pocket expenses made to persons serving in the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) pursuant to Section 418 of Public Law 97-213 are exempt. This exemption applies to all persons whose income is taken into account in determining the amount of an aid payment, [Reserved]

j. (Continued)

k. (Continued)

l. (Continued)

m. (Continued)

n. (Continued)

o. (Continued)

p. Earned income which results from a recipient/applicant's temporary employment related to the conduct of the 1980 census/ This includes those employed as census takers and support staff who are hired on a temporary basis/ This exemption does not apply to permanent employees on the Census Bureau/ [Reserved] (Continued)

.4 (Continued)

.5 (Continued)

.6 Other income which is mandatorily and specifically exempt by federal law and shall be exempt from the effective date as specified in federal law.

.61 Income which is mandatorily exempt under federal law includes but is not limited to:

- a. Public Law (PL) 92-254 or PL 94-540 which exempts any funds distributed per capita or held in trust for members of any Native American tribe under PL 92-254 or PL 94-540.
- b. PL 93-134, PL 97-458 and PL 98-64 which exempt as property the funds of Native American tribes including interest earned from, investment income derived from and initial purchases made from such funds when the funds are:
  - (1) Distributed per capita or held in trust as a result of a judgement awarded in Indian Claims Commission or U.S. Court of Claims;
  - (2) Distributed by the Secretary of the Interior on a per capita basis or held in trust.
- c. PL 89-73 which exempts compensation received by recipients 60 years old, or older, for volunteer services performed under the Retired Senior Volunteer Program, the Foster Grandparents Program, or the Older Americans Community Service Program of the National Older Americans Act.
- d. PL 92-433 and PL 93-150 which exempt the value of supplemental food received under the Child Nutrition Act (WIC) and the National School Lunch Act.
- e. PL 93-113 which exempts payments made under the Domestic Volunteer Services Act of 1973 to welfare recipients who are Vista Volunteers, and payments made for supportive services or reimbursement of out-of-pocket expenses made to persons serving in the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) pursuant to Section 418.

- f. PL 100-241 which exempts distributions to a household, individual Native or descendent of a Native when received from a Native Corporation established pursuant to the Alaskan Native Claims Settlement Act (ANCSA). Exempt distributions include:
- (1) Cash (including cash dividends on stock received from a Native Corporation) to the extent it does not exceed \$2,000 total per person per annum, stock, a partnership interest, land or interest in land, and interest in a settlement trust.
- g. PL 100-383 which exempts payments received as restitution made to U.S. citizens and permanent resident aliens of Japanese ancestry.
- h. PL 100-707 which exempts federal major disaster and emergency assistance provided under the Disaster Relief Act and comparable disaster assistance provided by the state, local governments and disaster assistance organizations.
- i. PL 101-201 and PL 101-239 which exempt payments received from all Agent Orange settlements.
- j. PL 101-426 which exempts payments received under the Radiation Exposure Compensation Act.
- k. PL 101-508 which exempts Earned Income Credit (EIC) payments.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554 and 11008.15, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 202(a), Public Law 100-485; and 45 CFR 224.0(c); and 45 CFR 233.20(a)(4)(ii); and 45 CFR 233.20(a)(11)(v)(C).

Adopt Section 44-113.14 to read:

44-113 NET INCOME (Continued)

44-113

.1 Property (Continued)

.14 Deduction for an Ineligible Alien Child(ren) Living in the Home

.141 When an ineligible alien child(ren) is living with an eligible sibling, a deduction shall be allowed from the aided parent's income. The deduction shall be equal to the difference between a minimum Basic Standard of Adequate Care (MBSAC) for the assistance unit with the ineligible alien child included, and the MBSAC for the assistance unit only. The deduction shall be reduced by the net nonexempt income, if any, of the alien child.

.142 The deduction for the ineligible alien child(ren) is allowed from the aided parent's income only when:

- (a) The ineligible alien child is not included in an Ineligible Alien Parent Unit, or
- (b) The ineligible alien parent has no income; or
- (c) The ineligible alien parent has insufficient income to meet the needs of ineligible alien child(ren) not provided for in the Ineligible Alien Parent Unit.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(ii)(C); and Darces v. Woods.

Amend Sections 44-133.33 and .6 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.3 Income in Cases in Which a Parent or Child has been Excluded from the Assistance Unit (Continued)

.33 If a parent or child living in the home is required to apply for aid under Section 40-118 but is excluded from the assistance unit for reasons other than the provisions of Section 44-133.31, being a recipient of another aid program, an ineligible alien parent, or a member of a different assistance unit, a portion of his/her income is income to the assistance unit. This portion is determined as follows: (Continued)

.336 If a parent is an ineligible alien, his/her income is treated in accordance with Section 44-133.6.

.4 (Continued)

.5 (Continued)

.6 Income In Cases Where A Stepparent Or Ineligible Alien Parent Resides In The Home

OK  
OK  
OK  
OK  
OK  
Regulations concerning income to the assistance unit from a stepparent/ineligible alien parent (see Section 44-133.63 b&f/o%) apply only when the stepparent/ineligible alien parent resides in the same household with the aided children or unaided unborn (see Section 44-205.26) and their parent, but neither the stepparent/ineligible alien parent nor any of his/her natural or adoptive children, are in the assistance unit.

OK  
Note: When the stepparent/ineligible alien parent is included in the assistance unit (see Sections 44-203 and 44-205), the total amount of his/her net nonexempt income shall be income to the assistance unit for purposes of grant and eligibility computation.

OK  
OK  
When the stepparent/ineligible alien parent is not included in the assistance unit but one or more of his/her children is in the assistance unit, the stepparent/ineligible alien parent is an excluded parent. See EAS Section 44-133.3 for treatment of his/her income.

An Ineligible Alien Parent means a natural or adopted parent who is not eligible for assistance because he/she does not meet the requirements of citizenship or Eligible Alien Status.

.61 Definition of Stepparent/Ineligible Alien Parent Unit

The stepparent/ his/her spouse/ his/her separate children and the children he/she has in common with his/her spouse/ and any other persons residing in the home who may be claimed by the stepparent as dependents for federal income tax purposes are members of the stepparent unit when they are not in the assistance unit. However, the

~~Stepparent Unit shall not include any individual who has been excluded from the assistance unit pursuant to the provisions of Section 44-133.31.~~

.611 The Stepparent/Ineligible Alien Parent Unit may include, in addition to the stepparent or ineligible alien parent, any of the following individuals related to the stepparent or ineligible alien parent:

- (a) His or her spouse;
  - (b) His or her separate children; or
  - (c) The child(ren) he or she has in common with his or her spouse.
- (1) When there is insufficient income to meet the entire needs of an ineligible alien child(ren), that child(ren) shall be allocated income, if any, from the aided parent in accordance with the deduction allowed for an ineligible alien child(ren) living in the same home as provided in Section 44-113.14.

.612 Individuals who are included in the Stepparent/Ineligible Alien Parent Unit shall not:

- (a) Be required to be included in an assistance unit, or
- (b) Have been excluded from the assistance unit pursuant to the provisions of Section 44-133.31. This provision applies only to the child(ren) whose needs are not entirely met. The other child(ren), if any, whose needs are entirely met shall remain in the Ineligible Alien Parent Unit and be deemed income accordingly.

.62 Needs of Stepparent/Ineligible Alien Parent Unit

When the stepparent/ineligible alien parent is excluded from the assistance unit, the county shall determine his/her ability to support the Stepparent or Ineligible Alien Parent Unit on the basis of the AFDC Minimum Basic Standard of Adequate Care (MBSAC) (Section 44-207.112) plus any special needs, if applicable. See Section 44-211. Allow disregards from the stepparent's or ineligible alien parent's gross income in accordance with Sections 44-133.63(a) through (c).

.63 Computation of Income to the Assistance Unit

.631 The stepparent's or ineligible alien parent's income deemed available to the assistance unit is determined as follows:

- (a) Determine the stepparent's or ineligible alien parent's net nonexempt income according to the provisions in Chapter 44-100.

- (1) When determining net earned income, the stepparent or ineligible alien parent shall be entitled to the work expense disregard.  
(Continued)
- (b) Deduct any amounts actually paid by the stepparent/ineligible alien parent to persons not living in the same home but who are, or could be, claimed by him/her as dependents for purposes of determining his/her federal personal income tax liability.
- (c) Deduct any child support and alimony payments made by the stepparent/ineligible alien parent to persons not living in the home.
- (d) Deduct the MBSAC amount for members of the stepparent/Ineligible Alien Parent Unit plus any special needs, if applicable. See Section 44-211.

HANDBOOK BEGINS HERE

.632 (Continued)

.633 Example: Ineligible Alien Parent Income to the AU

Computation Factors

- Ineligible Alien Parent Unit consists of two persons (ineligible alien parent and one ineligible sibling of an aided child).
- AFDC-AU consists of two persons (the eligible mother and the mother's one child).
- The ineligible alien parent earns \$900 within the month from full-time employment.
- The ineligible alien parent pays \$100 per month child support to his/her son who resides with the ineligible alien parent's ex-spouse.
- No other payments are made by the ineligible alien parent to persons living outside the home.

Computation

\$900 gross income of ineligible alien parent  
-90 less standard work expense disregard  
\$810  
-100 less child support paid  
\$710 net income

\$710 net income  
-560 less MBSAC for Ineligible Alien Parent Unit  
\$150 ineligible alien parent income to the AU

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and 45 CFR 233.20(a)(3)(vi)(B) and (xiv).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILE

In the office of the Secretary of  
the State of California

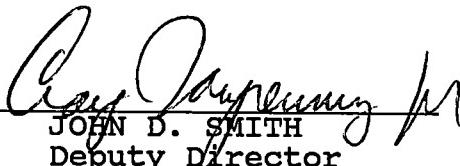
JUL 26 1991

At 3:37 o'clock P.M.,  
MARCH FNG EU, Secretary of State  
By Anne M. Menegue  
Deputy Director

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0716-05

  
JOHN D. SMITH  
Deputy Director

07/26/91

**EMERGENCY**  
**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90)

(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0620-01	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 91-0717-02E	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
<p style="text-align: center;">1991 JUL 17 AM 10:17</p> <p style="text-align: center;">ENDORSED</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p> <p style="text-align: center;">JUL 26 1991</p> <p style="text-align: center;">Office of Administrative Law</p>				
NOTICE		REGULATIONS		
AGENCY State Department of Social Services		AGENCY FILE NUMBER (If any) RDB #0591-23		

**FILED**  
in the office of the Secretary of State  
of the State of California

JUL 26 1991

At 3:37 o'clock P.M.  
MARCH FENGEU, Secretary of State  
By Ann M. Carlson  
Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER 91-0717-2	PUBLICATION DATE 7-5-91

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)**1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)** (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT Section 63-004
	AMEND Section 63-501
TITLE(S) MPP	REPEAL Section 63-502

**2. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only		<input type="checkbox"/> Other (specify)	

**3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE** (Cal. Code Regs. title 1, §§ 44 and 45)**4. EFFECTIVE DATE OF REGULATORY CHANGES** (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify) <u>August 1, 1991</u>
--	--	---

**5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
--	--	---

**7.**  Other (Specify)

6. CONTACT PERSON Jim Rhoads, Assistant Chief, Regulations Development Bureau	TELEPHONE NUMBER 445-0313
--	------------------------------

**I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

7-12-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

## **INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

### **RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

Adopt Section 63-004 to read:

63-004 IMPLEMENTATION OF THE OMNIBUS BUDGET RECONCILIATION ACT OF  
1990, PUBLIC LAW 101-508.

63-004

- .1 Sections 63-501.11, 501.111, 501.3 (k) and 502.2 (m), as amended herein, shall become effective August 1, 1991.
- .2 The amended provisions in 63-004 shall be implemented as follows:
  - .21 Beginning August 1, 1991, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
  - .22 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or January 1, 1991, whichever occurred later.
  - .23 For a household that applied for benefits from January 1, 1991 until July 31, 1991 and was denied due to excess resources as a result of the receipt of lump sum EITC payments, the household is entitled to restored benefits back to January 1, 1991 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.

Authority Cited: Sections 10553, 10554 and 11209, Welfare and Institutions Code.

Reference: Public Law 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

Amend Section 63-501.1 to read:

63-501 RESOURCE DETERMINATIONS

63-501

The CWD shall apply the uniform national resource standards of eligibility to all applicant households, except as provided by Section 63-501.8.

.1 Definition of Resources

In determining the resources of a household, the following shall be included and documented by the CWD in sufficient detail to permit verification.

.11 Liquid resources, such as cash on hand, money in checking or savings accounts, ~~earned income tax credit (EITC) advance payments~~, savings certificates, trust deeds, notes receivable, stocks or bonds, non-recurring lump sum payments, funds held in individual retirement accounts (IRAs) and funds held in accessible Keogh plans.

.111 A non-recurring lump sum payment includes, but is not limited to, income tax refunds, rebates or credits; retroactive lump-sum social security, railroad retirement benefits, or other payments; retroactive payments from the approval of an application for any assistance program; court ordered retroactive payments for any assistance program; supplemental or corrective payments received for a previous month from any assistance program; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other Federal law in accordance with Sections 63-501.3 (k) ~~11 through 12~~ or 63-501.3 (1). (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

Amend Section 63-501.3 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources

In determining the resources of a household, only the following shall be excluded:

(a) through (j) (Continued)

(k) Resources which are excluded for food stamp purposes by federal statute. The following is a listing of some of the resources excluded by federal statute:

(1) through (15) (Continued)

(16) Earned Income Tax Credit (EITC) payments received by individuals as an advance payment or in the form of a lump sum. These payments are excluded for the month of receipt and the following month. (Public Law 101-508)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code..

Reference: Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

Repeal Section 63-502.2(m) as follows:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.2 Income Exclusions. Only the following items shall be excluded from household income:

(a) through (l) (Continued)

(1)(y) *Earned income tax credit (EITC) advance payments/ These payments shall be counted as resources in accordance with section 63-501.11/*

(1)(y) *If the pay stub does not indicate an EITC payment was received/ no further action is required/*

(1)(z) *If it is unclear from the pay stub what amount of EITC the recipient received/ the CWD shall obtain clarification from the recipient and contact the employer if necessary to obtain the amount/*

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77, and 7 CFR 273.7(f), 7 CFR 273.9(c)(iv)(B), 7 CFR 273.9(d)(4), and (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) \_\_\_\_\_ F. Supp. \_\_\_\_\_ [Dock No. CV-89-0768]); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILE

In the office of the Secretary of  
the State of California

JUL 26 1991

At 3:37 o'clock P.M.  
MARCIA FINGEU, Secretary of State  
By - Ann M. Monassero  
Deputy Director

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0717-02

*Ray Mungay Jr*  
JOHN D. SMITH  
Deputy Director

07/26/91

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION/REGULATIONS SUBMISSION

APPROVED

For use by Secretary of State only

O.400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
			91-0719-035	
For use by Office of Administrative Law (OAL) only				
<p style="text-align: center;">1991 JUL 19 PM 2 02 ENDORSED APPROVED FOR FILING ADMINISTRATIVE LAW JUL 29 1991 Office of Administrative Law</p>				
NOTICE	REGULATIONS			
AGENCY State Department of Social Services		AGENCY FILE NUMBER (if any) RDB# 0191-06		

FILED  
in the office of the Secretary of State  
of the State of California

JUL 29 1991

At 3:19 o'clock P.M.  
ARUN - NG EU, Secretary of State  
By Anne M. Mansuro  
Secretary of State

**A. PUBLICATION OF NOTICE** (*Complete for publication in Notice Register*)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action	<input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER
OAL USE ONLY <input type="checkbox"/> Approved as Submitted	<input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER
			PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS** (*Complete when submitting regulations*)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) ( <i>Including title 26, if toxics-related</i> )  SECTIONS AFFECTED ADOPT Division 12, Chapter 12-200, Sections 12-201, 202, 203, 204, 205, 206, 210, 211, 220, 221, 222, 223, 224, 225, 226, 227, 228, and 229. AMEND Division 12, Chapter 12-100, Sections 12-101, 102, and 105.	
TITLE(S) MPP	REPEAL

**2. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (specify)		

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45) N/A
--

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2) <input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify) August 1, 1991
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5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
--	--	---

<input type="checkbox"/> Other (Specify)
--

6. CONTACT PERSON Jim Rhoads, Assistant Chief, Regulations Development Bureau	TELEPHONE NUMBER 445-0313
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7. *I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.*

SIGNATURE OF AGENCY HEAD OR DESIGNEE  
Connie M. Carlson

TYPED NAME AND TITLE OF SIGNATORY  
Connie M. Carlson, Interim Director

DATE  
7-18-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

Amend Sections 12-101.2 and .3 to read:

12-101 GENERAL (Continued)

12-101

- .2 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Section 112-701.
- .3 Definitions of terms specific to these regulations are:
- a. (Continued)
- (4) "Assigned collection" -- means a collection which is used to recoup aid paid to the family. (Continued)
- c. (1) (Reserved) "California Central Registry" -- means the California Central Registry within the State Department of Justice which operates as a clearinghouse for incoming interstate child support cases.
- (2) "Case action" -- means any documented activity taken or initiated by the district attorney to further case processing.
- (3) "Compliance" -- means the district attorney has attained either marginal compliance or substantial compliance as defined in these regulations.
- (4) "County welfare department" -- means the county department or departments which administer aid programs.
- d. (1) "Department" -- means the State Department of Social Services.
- (2) "Diligent effort" -- (Continued)
- (3) "Direct payment" -- means a payment which was sent directly to the custodial parent rather than to the district attorney.
- (4) "Director" -- means the Director of the State Department of Social Services. (Continued)
- m. (1) (Reserved) "Marginal compliance" -- For the purpose of passing on federal sanctions, marginal compliance means a county achieves compliance with each program performance standard in at least 75 percent but not more than 80 percent of the cases reviewed.
- n. (1) (Reserved) "Noncompliance" -- For the purposes of paying incentives and passing on federal sanctions, noncompliance means a county fails to achieve compliance with each program performance standard in 75 percent of the cases reviewed, and as otherwise specified in these regulations. (Continued)

- s. (1) Reserved "Self-review counties" -- means the 36 largest counties based on child support caseload which will perform their own compliance reviews as directed by the Department.
- (2) "State IV-D Director" -- means the Chief of the Child Support Program Branch within the State Department of Social Services who manages the Child Support Enforcement Program.
- (3) "State-review counties" -- means the 22 smallest counties based on child support caseload whose compliance reviews will be conducted by the Department.
- (4) "Submit" -- For the purpose of determining the date of submission, items shall be considered submitted to the Department on the date they are postmarked.
- (5) "Substantial compliance" -- For the purposes of paying incentives and passing on federal sanctions, substantial compliance means the county achieves compliance with each program performance standard in more than 80 percent of the cases reviewed. (Continued)

Authority Cited: Sections 10553, 10554, and 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11475, and 11479.5, and 15200.85, Welfare and Institutions Code; and 45 CFR 232.11 and 300 through 307.

Amend Section 12-102 to read:

12-102 PROGRAM REQUIREMENTS (Continued)

12-102

.2 Nothing in this section shall preclude the district attorney from the following:

.21 (Continued)

.22 Closing cases.

.221 Case closure shall be done in accordance with Chapter 12-300.

.23 Case prioritization and closure shall be in accordance with approved procedures as contained in the Plan of Cooperation between the Department and the district attorney.

.24 (Continued)

.25 (Continued)

Authority Cited: Sections 10553, 10554, and 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8 et seq., Welfare and Institutions Code; and 45 CFR 302.33 and 303.10.

Amend Section 12-105 to read:

12-105 TIME STANDARDS - ESTABLISHMENT OF PATERNITY

12-105

- .1 In all cases for which paternity has not previously been established or in which paternity is contested, the district attorney shall do ~~at least~~ one of the following within 90 calendar days of locating the alleged absent parent:
- .11 File for paternity establishment/ and
- .12 ~~or~~ complete service of process to establish paternity.
- .172 (Continued)
- .2 (Continued)

Authority Cited: Sections 10553, 10554, and 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code and 45 CFR 303.5.

Adopt Chapter 12-200 and Section 12-201 to read:

12-200 PROGRAM PERFORMANCE REVIEWS

12-200

12-201 SCOPE

12-201

HANDBOOK BEGINS HERE

These regulations establish the procedures and standards by which district attorneys shall be measured for the purposes of paying incentives and passing on federal audit sanctions only. They do not limit the district attorneys' responsibility to provide program services in accordance with federal and state laws and regulations.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Section 15200.8, Welfare and Institutions Code.

Adopt Section 12-202 to read:

12-202 PROGRAM PERFORMANCE REVIEW PROCEDURES

12-202

- .1 The district attorney shall be subject to annual reviews on a state fiscal-year basis to determine compliance with the program performance standards specified in this chapter.
- .11 The district attorney shall be notified in writing as to whether the district attorney's county is a state-review or self-review county.
- .111 The designation shall be for a two-year period.
- .2 The district attorney shall provide a case listing when requested in writing to do so by the Department.
- .21 The case listing shall consist of all appropriate cases as specified in writing by the Department for the time period requested.
- .22 The case listing shall contain the information and be displayed in the manner requested in writing by the Department.
- .23 The case listing shall be submitted within the time requested in writing by the Department, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .231 The district attorney shall have at least 45 calendar days from the postmark date of the Department's request to prepare and submit the case listing.
- .24 Failure to submit an accurate and timely case listing as requested in writing by the Department shall result in a finding of noncompliance.
- .3 The district attorney shall be notified in writing of the statistically valid random sample of cases to be reviewed, based on the case listing submitted.
- .31 The case sample shall:
- .311 Be determined using generally accepted statistical principles.
- .312 Meet a 95 percent confidence interval at the .05 level of significance.
- .313 Consist of at least the minimum number of cases necessary to ensure that the sample is representative of the county's total case listing.
- .32 Failure to locate more than 10 percent of the case records specified in the case sample shall result in a finding of noncompliance.
- .33 Unless otherwise directed by the Department, the review shall be conducted on only those cases specified in the case sample.
- .331 Substitution of a case not specified in the case sample shall result in a finding of noncompliance.

- .4 For self-review counties, the district attorney shall complete the program performance review within the time specified in writing by the Department, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .41 Failure to complete the program performance review as specified in writing by the Department shall result in a finding of noncompliance.
- .5 For self-review counties, the district attorney shall submit to the Department a report of the results of the program performance review. This shall be known as the Performance Review Report.
- .51 The Performance Review Report shall contain the information and be displayed in the manner requested in writing by the Department.
- .52 The Performance Review Report shall be submitted within 60 calendar days of the end of the review as specified in Section 12-202.4, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .53 The Performance Review Report shall contain such supporting documentation as requested in writing by the Department.
- .54 Failure to provide a Performance Review Report as required by these regulations shall result in a finding of noncompliance.
- .6 Self-review counties shall be subject to monitoring by the Department.
- .61 The monitoring shall be to determine the following:
- .611 Adherence to the case sample.
- .612 Existence of a conflict of interest for self-review staff.
- .613 Accuracy of the tabulation results.
- .62 Failure to meet the requirements specified in Section 12-202.61 shall result in a finding of noncompliance.
- .7 For self-review counties, the district attorney shall be notified in writing of the Department's determination of the level of compliance with each program performance standard specified in this chapter within 90 calendar days of the date the Performance Review Report is postmarked.
- .8 In state-review counties, the district attorney shall receive a copy of the Performance Review Report prepared by the Department.
- .81 The Performance Review Report shall identify the level of compliance with each program performance standard specified in this chapter.

- .82 The district attorney shall have 45 calendar days from the date the Performance Review Report is postmarked to review and comment on the Performance Review Report, unless a later date is mutually agreed upon in writing by the county IV-D director and the Department.
- .83 If no comments are received from the district attorney the Performance Review Report shall become final after the 45-day review/comment period.
- .84 If comments are received from the district attorney, one of the following shall occur for each comment received within 45 calendar days of the date the comments are postmarked:
- .841 The Performance Review Report shall be revised based on the comment received.
- .842 The district attorney shall be notified in writing why the Performance Review Report was not revised based on the comment received.
- .85 The district attorney shall receive a copy of the finalized Performance Review Report which shall be considered the Department's determination of compliance/noncompliance.
- .851 The finalized Performance Review Report shall be sent within the 45-day period specified in Section 12-202.84.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Section 15200.8, Welfare and Institutions Code.

Adopt Section 12-203 to read:

12-203 CORRECTIVE ACTION

12-203

- .1 Upon a finding of noncompliance, the district attorney shall develop a corrective action plan which shall be known as the Program Improvement Report.
- .11 The Program Improvement Report shall contain all of the following:
- .111 Identification of each finding of noncompliance.
- .112 The district attorney's determination of the cause(s) for each finding of noncompliance identified in Section 12-203.111.
- .113 The proposed solution(s) for the cause(s) of each finding of noncompliance identified in Section 12-203.111.
- (a) Such solution(s) shall identify the county administrative and/or procedural and program policy and/or operational changes to be made.
- (b) The county administrative and/or procedural and program policy and/or operational changes shall be made as soon as possible but no later than one calendar year from the date the Program Improvement Report is postmarked.
- (c) If the finding of noncompliance is with a program performance standard, the county administrative and/or procedural and program policy and/or operational changes identified in Section 12-203.113(a) shall result in the processing of cases in compliance with that program performance standard on a prospective basis.
- .114 Upon a finding of noncompliance with a program performance standard, a plan for correcting cases which were not previously processed in compliance with the program performance standard. Such plan shall:
- (a) Identify the estimated number of cases not in compliance with the program performance standard.
- (b) Provide measurable, quarterly milestones for correcting the cases identified in Section 12-203.114(a), including the number of cases to be corrected each quarter.
- (c) Indicate the date by which all of the cases will be corrected and the plan completed.
- .115 A description of how the implementation of each proposed solution will be monitored and evaluated for timeliness and effectiveness in correcting the noncompliance.

- .2 If the district attorney elects to implement corrective action prior to the Department's final determination of compliance/noncompliance, the Program Improvement Report shall include the information specified in Section 12-203.1 and all of the following:
- .21 The date each proposed solution was implemented.
- .22 The status of the implementation of each proposed solution.
- .23 An evaluation of the effectiveness of each proposed solution in correcting the noncompliance.
- .3 The Program Improvement Report shall be submitted to the Department within 60 calendar days of the date the Department's notification of noncompliance is postmarked or the date the Performance Review Report becomes final, whichever is applicable, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .31 The Program Improvement Report shall be subject to review by the Department.
- .32 The Program Improvement Report shall be returned by the Department to the district attorney as unacceptable within 45 days of the date the Program Improvement Report is postmarked upon any of the following:
- .321 Determination that the requirements for the Program Improvement Report specified in Sections 12-203.1 and 12-203.2 are not met.
- .322 Determination that the causes of and/or solutions for the noncompliance are not related to the finding.
- .33 Failure to submit an acceptable Program Improvement Report shall result in a finding of continued noncompliance for each calendar quarter until an acceptable Program Improvement Report is submitted.
- .4 The district attorney shall submit to the Department a written report on the status of the corrective action each calendar quarter until such time as the district attorney notifies the Department that the corrective action has been completed pursuant to Section 12-203.7.
- .41 Such report shall be submitted within 15 calendar days following the end of each calendar quarter, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .42 Failure to submit a status report on the corrective action within the required time shall result in a finding of continued noncompliance.
- .5 The district attorney shall be subject to review by the Department to determine the effectiveness of the corrective action and the level of compliance attained.

- .6 The district attorney shall amend any existing Program Improvement Report and its attendant corrective action to include the results of subsequent annual and/or quarterly reviews.
- .7 The district attorney shall notify the Department in writing upon the district attorney's determination that the corrective action has been completed.
- .71 The corrective action shall be considered completed upon completion of all of the following:
- .711 The county administrative and/or procedural and program policy and/or operational changes identified pursuant to Section 12-203.113(a) have been fully implemented.
- .712 Current cases have been processed for a minimum of 30 calendar days in compliance with any program performance standard previously identified as out of compliance.
- .713 The district attorney has implemented the plan pursuant to Section 12-203.114 and is correcting the cases identified pursuant to that section.
- .72 The district attorney's finding shall be subject to verification by the Department.
- .721 Such verification shall be completed within 60 calendar days of the date the district attorney's notification of compliance is postmarked.
- .73 Upon verification of compliance by the Department, the district attorney shall be entitled to the statutory compliance incentive rate at the start of the calendar quarter following the quarter in which the district attorney's notification of compliance is postmarked.
- .8 Following completion of the corrective action as specified in Section 12-203.71, failure to meet any quarterly milestone identified in Section 12-203.114(b) shall result in a new finding of noncompliance, unless an extension for meeting the milestone is mutually agreed upon in writing by the district attorney and the Department.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Section 15200.8, Welfare and Institutions Code.

Adopt Section 12-204 to read:

12-204 PROGRAM IMPROVEMENT

12-204

- .1 In addition to the program performance standards specified in this chapter, the district attorney shall be subject to administrative review.
- .11 The administrative review shall include the following:
- .111 Nonregulated statutory and/or federal requirements.
- .112 Local administrative procedures.
- .113 Local systems.
- .114 Adherence to the provisions of the Plan of Cooperation.
- .12 The findings of the administrative review shall be known as administrative findings.
- .13 The administrative review shall be considered part of the program performance review, and the administrative findings shall be included in the Performance Review Report.
- .2 Administrative findings and/or findings of marginal compliance shall not affect the district attorney's entitlement to incentives as specified in this chapter.
- .3 The district attorney shall include a program improvement plan in the Program Improvement Report.
- .31 The program improvement plan shall include all of the following:
- .311 Any administrative findings identified in the Performance Review Report.
- .312 Any findings of marginal compliance identified in the Performance Review Report.
- .313 The district attorney's determination of the cause(s) for each administrative finding or finding of marginal compliance with a program performance standard.
- .314 The proposed solution(s) for the cause(s) for each administrative finding or finding of marginal compliance with a program performance standard.
- .315 A description of how each proposed solution will be implemented including the time frames for implementation.

.316 A description of how the implementation of each proposed solution will be monitored and evaluated for timeliness and effectiveness in either correcting the administrative finding or bringing the marginal compliance into substantial compliance.

Authority Cited: Sections 10553, 10554, 11475.1, 11479.5, and 15200.8, Welfare and Institutions Code.

Reference: Sections 11475.1 and 11479.5, Welfare and Institutions Code.

Adopt Section 12-205 to read:

12-205 PROGRAM PERFORMANCE REVIEW APPEALS

12-205

- .1 The district attorney shall be permitted to protest and appeal the following findings of the Department:
- .11 Failure to submit an accurate, timely case listing.
- .12 Failure of self-review counties to provide an accurate, timely Performance Review Report.
- .13 Marginal compliance.
- .14 Noncompliance.
- .15 Failure to submit a Program Improvement Report.
- .16 Any other finding which might affect the county's entitlement to incentives.
- .17 Any other finding which might affect the county's risk of financial sanction.
- .2 The district attorney's initial written protest shall:
- .21 Be submitted to the State IV-D Director within 60 calendar days of the date the Department's final findings are postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .22 State the finding(s) being protested and the specific reason(s) therefor.
- .23 Include complete documentation supporting the district attorney's reason(s) for protesting the finding(s).
- .3 The district attorney shall submit additional documentation to support the district attorney's reason(s) for protesting the finding(s) if requested in writing by the Department.
- .31 Such documentation shall be submitted within 15 calendar days of the date the Department's request for additional documentation is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .32 Failure to provide such documentation within the required time shall result in the Department's findings being upheld.
- .4 The district attorney shall be notified in writing of the results of the initial protest within 60 calendar days of the date the initial protest is postmarked.

- .5 If dissatisfied with the results of the initial protest, the district attorney shall be permitted to file a written appeal with the Director.
- .51 The appeal shall be filed within 30 calendar days of the date the Department's response to the initial protest is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .52 The appeal shall include the district attorney's initial protest and the Department's response thereto.
- .53 The appeal shall state the reason(s) the district attorney is dissatisfied with the Department's response to the initial protest.
- .54 The appeal shall include complete documentation supporting the district attorney's reason(s) for being dissatisfied with the Department's response to the initial protest.
- .55 The district attorney shall submit additional documentation to support his reason(s) if requested in writing by the Director or the Director's designee.
- .551 Such documentation shall be submitted within 15 calendar days of the date the Department's request for additional documentation is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .552 Failure to provide such documentation within the required time shall result in the Department's findings being upheld.
- .6 The district attorney shall be permitted to request a hearing regarding the Department's findings.
- .61 Such hearing shall be requested in the district attorney's appeal to the Director.
- .62 The hearing shall be before the Director or the Director's designee.
- .621 The Director's designee shall not be any person previously involved in the program performance review or the initial protest.
- .63 The district attorney shall be notified of the date of the hearing within 30 calendar days of the date the district attorney's appeal/request for hearing is postmarked.
- .631 The district attorney shall have at least 30 calendar days from the date the notification of hearing is postmarked to prepare for the hearing.

- .64 The district attorney or the district attorney's designee(s) shall be permitted to present evidence and information at the hearing.
- .65 The district attorney shall be notified in writing of the results of the hearing by the Director or the Director's designee within 30 calendar days of the date of the hearing.
- .7 If no hearing is requested, the district attorney shall be notified in writing of the results of the appeal by the Director or the Director's designee within 30 calendar days of the date the district attorney's appeal is postmarked.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code.

Adopt Section 12-206 to read:

12-206 PERFORMANCE STANDARDS INCENTIVES

12-206

- .1 The district attorney shall be entitled to the statutory base incentive rate.
- .2 The district attorney shall be entitled to the statutory compliance incentive rate at the start of the calendar quarter following the quarter in which the district attorney's notification of substantial compliance with each program performance standard was postmarked.
- .3 The district attorney shall be entitled to only the statutory base incentive rate for the calendar quarter immediately following the quarter in which the district attorney's notification of noncompliance with any program performance standard was postmarked.
- .31 The district attorney shall continue to receive only the statutory base incentive rate until successful completion of corrective action as identified in the Program Improvement Report pursuant to Section 12-203.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 15200.8, 15200.85, and 15200.9, Welfare and Institutions Code.

Adopt Section 12-210 to read:

12-210 WRITTEN PROCEDURES

12-210

- .1 The district attorney shall have and use written procedures for each of the program performance standards contained in this chapter.
- .11 Failure to have and use such written procedures shall result in a finding of noncompliance.

Authority Cited: Sections 10553, 10554, 11475.1, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 305.

Adopt Section 12-211 to read:

12-211 EXPEDITED PROCESS

12-211

- .1 The district attorney shall meet the following time frames for establishment of child support orders and enforcement of child support obligations:
- .11 Within three months of successful service of process for 90 percent of cases.
- .12 Within six months of successful service of process for 98 percent of cases.
- .13 Within one year of successful service of process for 100 percent of cases.
- .2 Failure to meet the requirements specified in Section 12-211.1 shall result in a finding of noncompliance for expedited process.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 15200.8 and 11479.5, Welfare and Institutions Code; and 45 CFR 303.101(b)(2).

Adopt Section 12-220 to read:

12-220 PROGRAM PERFORMANCE STANDARDS - INTAKE

12-220

.1 The district attorney shall:

.11 Meet the time standards for providing applications specified in Section 12-103.1.

.12 Provide the information listed in Section 12-103.13 within the time standard specified in Section 12-103.15.

.13 Establish case records in accordance with Section 12-103.2.

.14 Verify initial information and solicit additional information in accordance with Section 12-103.2.

.2 The district attorney shall obtain an application for each case on behalf of families not receiving aid.

.3 The district attorney shall not obtain an application for cases on behalf of families which cease to receive aid but continue to receive Child Support Enforcement Program services.

.4 Program services shall be suspended if the district attorney is notified by the county welfare department of a claim for good cause.

.41 Program services shall not be provided if the district attorney is notified by the county welfare department of a final determination of good cause.

.411 The district attorney shall proceed with program services if the county welfare department also notifies the district attorney that services may proceed without the participation of the custodial parent.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 302.31(b) and (c) and 302.51(e)(3).

Adopt Section 12-221 to read:

12-221 PROGRAM PERFORMANCE STANDARDS - LOCATE

12-221

- .1 The district attorney shall attempt to locate an absent parent whenever the absent parent's location is unknown.
- .11 Location of absent parents shall be done in accordance with the standards specified in Section 12-104.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.3(b).

Adopt Section 12-222 to read:

12-222 PROGRAM PERFORMANCE STANDARDS - PATERNITY ESTABLISHMENT

12-222

- .1 The district attorney shall attempt to establish paternity for children under age 18 whose paternity has not previously been established.
- .11 The district attorney shall not establish paternity in any case involving incest, forcible rape, or in which proceedings for adoption are pending ~~and if~~ the district attorney determines that establishing paternity would not be in the best interest of the child.
- .111 Such determination and the reasons therefor shall be documented in the case record.
- .12 Establishment of paternity shall be done in accordance with the standards specified in Section 12-105.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.5(a) and (b).

Adopt Section 12-223 to read:

12-223 PROGRAM PERFORMANCE STANDARDS - ESTABLISHMENT AND  
MODIFICATION OF CHILD SUPPORT ORDERS

12-223

- .1 The district attorney shall attempt to establish a child support order for cases in which a child support order does not exist.
- .11 When petitioning the court for child support, the district attorney shall use the statutory child support guidelines in effect at that time to determine the amount of child support sought.
- .12 Establishment of child support orders shall also be done in accordance with the standards specified in Section 12-106.
- .2 Upon a written request for modification of a child support order the district attorney shall:
  - .21 Review the case.
  - .22 Respond to the request in writing within 90 calendar days of the date the request is postmarked.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.50(a) and 303.4(b) and (d); Section 4720.1, California Civil Code; and 42 U.S.C. 466(a)(10)(A).

Adopt Section 12-224 to read:

12-224 PROGRAM PERFORMANCE STANDARDS - ENFORCEMENT

12-224

- .1 The district attorney shall enforce spousal support orders when all of the following criteria are met:
  - .11 A court order for spousal support has been previously established.
  - .12 The spouse or former spouse is living with the child(ren) for whom the absent parent is liable for support.
  - .13 The child support order is being enforced by the district attorney.
- .2 The district attorney shall attempt to enforce support orders in open IV-D cases for which a support order has been established.
  - .21 Enforcement of support orders shall be completed in accordance with the standards specified in Section 12-107.
  - .22 The district attorney shall seek real property liens in accordance with Chapter 12-600.
  - .23 The district attorney shall seek federal and state income tax refund intercepts in accordance with Chapter 12-700.
- .3 The district attorney shall petition the court for a wage assignment for any support order established or modified after July 1, 1990.
  - .31 In addition to the current support due, the district attorney shall petition for an amount to be applied toward any overdue support.
  - .32 To initiate withholding pursuant to a wage assignment, the district attorney shall serve the absent parent's employer the wage assignment and a notice containing all of the following information:
    - .321 The amount to be withheld from the absent parent's wages and a statement that such amount may not exceed the statutory maximum.
    - .322 A statement informing the employer that the employer may deduct a fee of one dollar, in addition to the amount withheld, for administrative costs incurred for each withholding.
    - .323 A statement informing the employer that the withholding order is binding upon the employer until further notice.
    - .324 A statement informing the employer that the employer is subject to a maximum fine of 500 dollars for any of the following reasons:
      - (a) Discharging an absent parent because of the withholding order.

- (b) Taking disciplinary action against an absent parent because of the withholding order.
    - (c) Refusing to hire an absent parent because of a withholding order.
  - .325 A statement informing the employer that the employer is liable for the accumulated amount which should have been withheld if the employer refuses to withhold wages as directed.
  - .326 A statement informing the employer that the assignment for support has priority over any other legal process under state law against the same wages.
  - .327 A statement informing the employer that the employer may combine withheld amounts from all absent parents in a single payment to each agency requesting withholding and separately identifying the portion of the payment which is attributable to each absent parent.
  - .328 A statement directing the employer to do the following:
    - (a) Implement the withholding no later than the first pay period which occurs after 14 calendar days following the date the notice was mailed.
    - (b) Forward amounts withheld to the district attorney within 10 calendar days of the date the absent parent is paid.
  - .329 A statement directing the employer to notify the district attorney in writing when the absent parent terminates employment, including the following information:
    - (a) The absent parent's last known address.
    - (b) The name and/or address of the absent parent's new employer, if known.
- .33 If the absent parent changes employment, the district attorney shall serve the wage assignment on the absent parent's new employer, if known, and notify that employer that the wage assignment is binding on the new employer.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.31(a)(2), 303.6, and 303.100(a), (b), and (d); and Sections 4390.3, .10, and .17, California Civil Code.

Adopt Section 12-225 to read:

12-225 PROGRAM PERFORMANCE STANDARDS - COLLECTION AND DISTRIBUTION

12-225

- .1 The district attorney shall notify the county welfare department in writing when the district attorney discovers that a direct payment has been retained by a family receiving aid.
- .2 The district attorney shall distribute collections for all cases in which there is a support order being enforced by the district attorney.
  - .21 Such distribution shall be completed in accordance with the standards specified in Section 12-108.
- .3 On or before September 30 of each year, the district attorney shall provide a notice of collections received during the previous state fiscal year.
  - .31 The notice shall be sent to all of the following:
    - .311 Families currently receiving aid.
    - .312 Families which formerly received aid and continue to receive Child Support Enforcement Program services on whose cases an assigned collection was made.
  - .32 The notice shall contain all of the following information:
    - .321 The total amount of assigned collections received during the prior fiscal year, or zero if no assigned collections were received.
    - .322 The total amount of payments to the family, or zero if no amounts were paid to the family.
    - .323 In the case of multiple absent parents, a separate listing of collections from each absent parent, or zero if no collections were received from an absent parent.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 302.31(a)(3)(i), .32, .37, .51, .52, and .54(a) and (b).

Adopt Section 12-226 to read:

12-226 PROGRAM PERFORMANCE STANDARDS - INTERSTATE CASES

12-226

- .1 When the absent parent resides in another state, the district attorney shall attempt to utilize long-arm statutes to establish paternity whenever possible.
  - .11 If utilization of long-arm statutes is not possible, the district attorney shall initiate an interstate case.
- .2 Whenever the district attorney initiates an interstate case, the district attorney shall:
  - .21 Provide the responding state with sufficient, accurate information to act on the case.
  - .22 Do one of the following within 30 calendar days of receiving a request for additional information from the responding state:
    - .221 Provide the requested information.
    - .222 Notify the responding state when the information will be provided if the information itself is not available.
  - .23 Notify the responding state of any new information regarding the case within 10 working days of receiving such information.
  - .24 Pay for the costs of genetic testing to establish paternity.
- .3 When the district attorney receives an interstate case from the California Central Registry, the district attorney shall:
  - .31 Do all of the following within 75 calendar days of receipt of the case:
    - .311 Provide locate services, if needed.
    - .312 Request any additional documentation from the initiating state if the provided documentation is not sufficient to process the case fully.
  - .32 If the documentation initially received is insufficient to fully process the case, proceed with case processing to the extent possible with the information provided.
  - .33 Complete all of the following within 10 working days of locating the absent parent in another county:
    - .331 Forward the case to the county in which the absent parent is located.

- .332 Notify the initiating state and the California Central Registry of the case transfer.
- .34 Complete all of the following within 10 working days of locating the absent parent in another state:
- .341 Return the case and the information regarding the absent parent's location to the initiating state, or forward the case to the central registry of the state in which the absent parent is located if requested to do so by the initiating state.
- .342 Notify the California Central Registry of the case transfer.
- .35 Provide any necessary services as for an intrastate case including establishing paternity, establishing a support order, enforcing a support order, and collecting and distributing payments.
- .351 If the district attorney establishes paternity, the district attorney shall attempt to secure a judgment against the absent parent to recover the cost of genetic testing and reimburse the initiating state.
- .36 Provide timely notice to the initiating state in advance of any hearings which might result in establishment or modification of an order.
- .37 Notify the initiating state within 10 working days of receipt of new information regarding the case.
- .38 Notify the California Central Registry whenever an interstate case is closed.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.7(b)(1) through (5), (c)(4)(i) through (iii), (c)(5), (c)(6), (c)(7)(i) through (iv), (c)(8), (c)(9), (c)(10), and (d)(2).

Adopt Section 12-227 to read:

12-227 PROGRAM PERFORMANCE STANDARDS - EXPEDITED PROCESS

12-227

.1 The following types of cases shall not be subject to the requirements in Section 12-211.1:

- .11 Cases in which paternity is at issue.
- .12 Cases involving the right to a jury trial.
- .13 Cases which could directly result in a person's incarceration.
- .14 Cases in which the district attorney initiated an interstate case pursuant to the Uniform Reciprocal Enforcement of Support Act.
- .15 Cases deemed complex by the court, commissioner, or referee.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11475.1(b) and (e)(2), 11479.5, and 15200.8, Welfare and Institutions Code.

Adopt Section 12-228 to read:

12-228 PROGRAM PERFORMANCE STANDARDS - MEDICAL SUPPORT

12-228

- .1 Upon referral from the county welfare department, the district attorney shall attempt to obtain the following information if the information was not previously provided:
- .11 The county welfare department case number or the recipient's/custodial parent's social security number.
- .12 The name and social security number of the child(ren).
- .13 The absent parent's:
- .131 Name.
- .132 Social security number.
- .133 Home address.
- .134 Employer's name and address.
- .14 The policy name and number of any health insurance policy of the absent parent and the name of each person covered by the policy.
- .2 The district attorney shall forward the information specified in Section 12-228.1 to the State Department of Health Services.
- .21 The information shall be forwarded:
- .211 When the case is referred from the county welfare department and the information is available.
- .212 Whenever the information becomes available.
- .22 The district attorney shall not forward the information upon referral if the referral document(s) indicates the information was previously forwarded by the county welfare department.
- .3 The district attorney shall notify all applicants for child support services in writing that medical support services are also available.
- .4 The district attorney shall petition the court for medical support for all cases in which the family is receiving aid, unless the custodial parent and child(ren) have health insurance coverage other than Medi-Cal.
- .5 The district attorney shall petition the court for medical support for all cases in which the family is not receiving aid if medical support services have been requested.

.6 The district attorney shall:

- .61 Notify the State Department of Health Services in writing whenever a new or modified support order includes medical support and provide the information specified in Section 12-228.1 if the family is receiving aid.
- .62 Request employers and other groups offering health insurance coverage to notify the district attorney in writing of any lapses in the health insurance coverage.
- .63 Forward information regarding any health insurance coverage obtained to the custodial parent.
- .64 Communicate with the State Department of Health Services in writing to determine if there has been a lapse in health insurance coverage for recipients of aid.

.7 The district attorney shall attempt to enforce medical support orders.

- .71 Enforcement remedies include, but are not limited to:

- .711 Contacting absent parents.
- .712 Contacting absent parents' employers.
- .713 Obtaining health insurance coverage assignments.

.8 The district attorney shall not provide medical support services to a person who is not receiving aid without first obtaining the person's consent.

- .81 Consent shall not be required for cases on behalf of families which cease to receive aid but continue to receive Child Support Enforcement Program services unless medical support services have not previously been provided.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.30(a) and (b), and .31 (b) and (c).

Adopt Section 12-229 to read:

12-229 PROGRAM PERFORMANCE STANDARDS - CASE CLOSURE

12-229

- .1 Case closure shall be done in accordance with Chapter 12-300.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILE

In the office of the Secretary of State  
of the State of California

JUL 29 1991

3:19 o'clock P.M.

MARCY FENG EU, Secretary of State

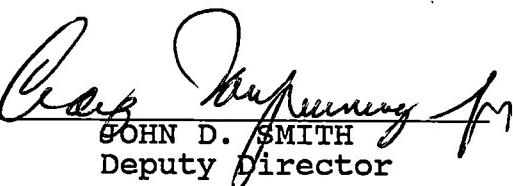
Ann M. Manassero

Deputy Director of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0719-03

  
JOHN D. SMITH  
Deputy Director

07/29/91

STATE OF CALIFORNIA-OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90)

(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
			91-0722-06E	

For use by Office of Administrative Law (OAL) only

1991 JUL 22 PM 4:32

OFFICE OF  
ADMINISTRATION  
ENDORSED  
APPROVED FOR FILING

JUL 30 1991

NOTICE

Office of Administrative Law

AGENCY

State Department of Social Services

REGULATIONS

AGENCY FILE NUMBER (if any)

0191-04

FILE  
in the office of the Secretary of State  
of the State of California

JUL 30 1991

13:44 o'clock P.M.  
MARCHING EU, Secretary of State

By: Ann M. Yanevskaya  
Deputy Secretary of State

#### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action	<input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER
OAL USE ONLY <input type="checkbox"/>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER
			PUBLICATION DATE

#### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

##### 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND
TITLE(S) MPP	46-430 et seq.
	REPEAL

##### 2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (specify)		

##### 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title I, §§ 44 and 45)

##### 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

Effective 30th day after filing with Secretary of State     Effective on filing with Secretary of State 8-1-91     Effective other (Specify) \_\_\_\_\_

##### 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399)     Fair Political Practices Commission     State Fire Marshal

Other (Specify) \_\_\_\_\_

##### 6. CONTACT PERSON

James Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

DATE

7/22/91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

Amend Section 46-430 to read:

46-430 SPECIAL NEED - FOOD, CARE AND MAINTENANCE FOR ~~GUIDE~~  
ASSISTANCE DOGS

46-430

1. Definitions.

For the purpose of the Assistance Dog Special Allowance Program, the following definitions shall apply wherever the terms are used throughout Section 46-430.

- (a) (1) "Assistance Dog" means a guide dog, signal dog, or service dog.
- (b) (1) "Blind Recipient" means any individual who is considered blind as defined in Section 1614(a) of Title XVI of the Social Security Act.
- (c) (Reserved)
- (d) (1) "Disabled Recipient" means any individual who is considered disabled as defined in Section 1614(a) of Title XVI of the Social Security Act.
- (e) (1) "Eligible Recipient" means any blind or disabled individual who is a recipient of either or both SSI/SSP or IHSS who has an assistance dog.
- (f) (Reserved)
- (g) (1) "Guide Dog" means a dog that has been specifically trained, and certified by a licensed guide dog trainer under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code for use by a blind person to assist with his/her sight needs.
- (h) (Reserved)
- (i) (1) "IHSS" means the In Home Supportive Services Program (as defined in MPP Section 30-700.1) which provides assistance to any eligible aged, blind, or disabled individual who is unable to remain safely in his/her own home without this assistance.
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)

- (o)      (Reserved)
- (p)      (Reserved)
- (q)      (Reserved)
- (r)      (Reserved)
- (s)      (1)    "SDSS" means State Department of Social Services.
- (2)     "Service Dog" means a dog that has been specifically trained by a professional service dog trainer to meet a physically disabled person's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheel chair, or fetching dropped items.
- (3)     "Signal Dog" means a dog that has been specifically trained by a professional signal dog trainer to alert a deaf person or a person whose hearing is impaired, to intruders or sounds.
- (4)     "Special Needs Allowance" means an allowance provided by the Assistance Dog Special Allowance Program to pay for dog food and other costs associated with an assistance dog's care and maintenance. This allowance shall be \$40 a month for the months of January 1, 1991 through June 30, 1991 and \$50 per month beginning July 1, 1991.
- (5)     "SSI" means the federal Supplemental Security Income benefits provided pursuant to Subchapter 16 (commencing with Section 1381) of Chapter 7 of Title 42 of the United States Code.
- (6)     "SSP" means State Supplementary Program under Welfare and Institutions Code Chapter 3 (commencing with Section 12000).
- (t)      (Reserved)
- (u)      (Reserved)
- (v)      (Reserved)
- (w)      (Reserved)
- (x)      (Reserved)
- (y)      (Reserved)
- (z)      (Reserved)

## .12 Eligibility

Eligible blind recipients of supplemental security income/state supplementary payments (SSI/SSP) and/or in-home supportive services (IHSS) who have an assistance & guide dog shall be eligible for this special needs need

allowance to purchase food for their guide dog. A guide dog is a dog trained by a recognized professional guide dog trainer for use in guiding a blind person in his or her daily activities. For purposes of this section, an individual is considered blind as defined in section 1614(d) of title XVI of the Social Security Act.

.23 Application

HANDBOOK BEGINS HERE

The Department will send application form SC 1 to blind recipients of benefits under the SSI/SSP program as identified by the Social Security Administration.

HANDBOOK ENDS HERE

Upon request the Department shall send application Form SC 1 (Rev. 11/90) to eligible recipients.

- .231 Eligible SSI/SSP and IHSS recipients who have an assistance & guide dog shall apply on Form SC 1 for a special needs dog food allowance. Application shall be made on Form SC 1 (Rev. 11/90) to the State Department of Social Services, Assistance Dog Special Allowance Program, 744 P Street, Sacramento, CA 95814.

~~HANDBOOK BEGINS HERE~~

- .232 The Department will approve or deny every formal application and notify the applicant of the action no more than 30 days after the date of the application is received.

~~HANDBOOK ENDS HERE~~

.24 Payments

Qualified applicants shall be eligible for payment Payments begin from the first day of the month in which the application is received. Payments shall be made at the end of the month, in the arrears for that month.

.45 Redeterminations

Eligibility for this allowance shall be redetermined at least once every twelve months. Each recipient shall be required to complete and return the redetermination Form SC 1A BPGDA1 (Rev. 1/91) to SDSS within 30 days of the date on the form.

Each recipient shall be required to promptly notify SDSS if he/she: (1) ceases to be a recipient of blind or disabled benefits under SSI/SSP, (2) ceases to be a recipient a blind or disabled recipient of IHSS, (3) has retired his/her assistance dog, (4) or no longer has an assistance & guide dog, (5) has a change in his/her mailing address or name.

HANDBOOK BEGINS HERE

.§6 County Responsibility (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, ~~12500~~/ 10554, 12500, and 12553, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 12500, and 12553, Welfare and Institutions Code; ~~and~~ Section 1614(a)(2), Title XVI of the Social Security Act; Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code; and Section 54.1, Civil Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILE  
In the office of the Secretary of  
the State of California

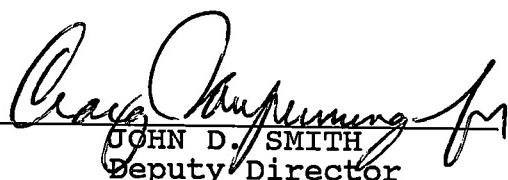
JUL 30 1991

At 3:44 o'clock P.M.  
MARK SINGEL, Secretary of State  
Anne M. Marassero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0722-06

  
JOHN D. SMITH  
Deputy Director

07/30/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See Instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0729-05ER		91-0322-01E

For use by Office of Administrative Law (OAL) only

1991 JUL 29 PM 4:08

OFFICE OF  
ADMINISTRATIVE LAW  
APPROVED FOR FILING

JUL 30 1991

NOTICE

REGULATIONS

AGENCY	Department of Social Services	REGULATORY NUMBER	AGENCY FILE NUMBER (if any)
			0690-24

FILED  
in the Office of the Secretary of State  
of the State of California

JUL 30 1991

At 3:44 o'clock P.M.  
MARCHING EU, Secretary of State  
By: Ann M. Carlson  
Deputy Secretary of State

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE Notice re Proposed Regulatory Action	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
<input type="checkbox"/> Other			
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	11-407, et seq.
	AMEND	11-400 and 11-403 (h) (1)
TITLE(S)	REPEAL	

## 2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input checked="" type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify) _____			

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	7/30/91	<input type="checkbox"/> Effective other (Specify) _____
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## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
--	--	---

## 6. CONTACT PERSON

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER  
(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

DATE

7-29-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

Renumber and amend Section 11-400 to read:

11-400 AFDC-FOSTER CARE RATES

11-400

Definitions.

- a. (1) Reserved Administrative Hearing - an administrative hearing conducted by an Administrative Law Judge of the State Department of Social Services (SDSS) as defined by the Welfare and Institutions Code Section 11232.

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- d. (1) Daily Supervision - (Continued)  
(2) Date of Mailing - the date postmarked on the envelope if postage was prepaid and the envelope was properly addressed.  
(3) Department - (Continued)  
(4) Director - the Director of the Department of Social Services.  
(5) Duplicate - a facsimile copy of the original produced by photocopying or some other technique of accurate reproduction. (Continued)

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- g. (1) Good Cause - the inability to respond to a required action due to circumstances beyond the control of the group home provider/foster family agency including, but not limited to, natural disasters and emergency medical situations.  
(Continued)

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- i. (1) Infant Supplement - (Continued)  
(2) Informal Conference - a proceeding conducted in person or by telephone for the purpose of clarifying or resolving issues. (Continued)

- p. (1) Paid Awake - (Continued)
- (2) Party - the group home provider, foster family agency, or the Department.
- (23) Placement Agency - (Continued)
- (24) Point(s) - (Continued)
- (45) Primary Placing County - (Continued)
- (56) Program - (Continued)
- (67) Program Change - (Continued)
- (78) Program Classification - (Continued)
- (89) Provider - (Continued)

- s. (1) Set Rate - the per child/per month rate set by the Department for an AFDC-FC group home program or foster family agency pursuant to Section 11460, et seq. of the Welfare and Institutions Code.
- (12) Social Work Activities (SWA) - (Continued)
- (23) Social Worker - (Continued)
- (34) Specialized Care Increment - (Continued)
- (45) Specialized Care Rate - (Continued)
- (56) Specialized Care System - (Continued)

Authority Cited: Sections 10553, 10554, 11462(j), and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11460, 11462, 11466.1, 11466.2, 11466.3, 11468, and 18350, Welfare and Institutions Code, The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050, Industrial Welfare Commission Order 5-89.

Amend Section 11-403(h)(1) to read:

11-403 FOSTER FAMILY AGENCY RATES (Continued)

11-403

(h) ~~Rate~~ Administrative Review Procedure

- (1) The ~~rate~~ administrative review procedure for foster family agencies shall be as specified in Section 11-4027/8. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11468 and 11468.2, Welfare and Institutions Code.

Adopt Section 11-407 to read:

11-407 AFDC-FOSTER CARE ADMINISTRATIVE REVIEW PROCEDURES 11-407

.1 Administrative review procedures shall include protest proceedings and appeal proceedings.

.2 Protest Proceedings

.21 A protest proceeding shall be available for group home providers/foster family agencies which disagree with the set rate and which request a different rate.

.22 A written protest shall be filed with the Department within 60 days from the date of the mailing of the notification of a set rate. The written protest shall include the following:

.221 The name, telephone number, signature, and date of signing of the protest of the group home provider/foster family agency or of the person representing the group home provider/foster family agency;

.222 Name and address of the group home provider/foster family agency and the program number;

.223 Reason for the protest; and

.224 Full supporting documentation relevant to the resolution of the protest which may include, but is not limited to, the following:

(a) The records maintained pursuant to Sections 11-402.521 through .523.

HANDBOOK BEGINS HERE

(1) Personnel records, which include, but are not limited to:

(A) Current licenses; diplomas; copies of official transcripts if major shown on diploma is other than those listed as an equivalent for the appropriate program component; or diploma is from a non-accredited school; dated applications for employment and/or resumes;

time sheets; salary schedules showing hours and amount paid; employee benefits; contracts; training and development documents; job descriptions (including position title and classification, duties and responsibilities); and group home organization charts.

(2) Case management records, which include but are not limited to:

(A) Treatment plan; psychological evaluations/reports; medical evaluations/releases; education evaluations/information; correspondence; dictation and documentation of services provided; court orders; quarterly reports/program reports; information required by licensing regulations under Title 22; and all RCL significant information pertaining to a client shall be included in the client's record.

(3) Training program records which document all the information in the training log such as:

(A) The date(s) of training; hours of duration of each training session; certification of completion; name of trainer and certification; documentation showing provider paid any costs for training, including employee wages and benefits; and subject of the training.

HANDBOOK ENDS HERE

(b) Payroll Files including, but not limited to, a copy of the salary schedule, a record of employee benefits and time sheets.

.23 The Department may request additional documentation or information.

.231 Group home providers/foster family agencies shall submit additional documentation to the Department within 30 days of receipt of the request for such documentation.

.24 The protest and supporting documentation/additional documentation shall be submitted via certified mail, return receipt requested, to the following address:

State Department of Social Services  
Foster Care Rates Bureau  
744 P Street, M.S. 19-74  
Sacramento, CA 95814

.25 Within 90 days of the receipt of the final documentation or information from the group home provider/foster family agency, the Department shall issue a decision letter via certified mail, return receipt requested.

.251 The decision letter shall state the reasons for the Department's decision and shall include a statement of the right to appeal the decision.

.3 Filing an Appeal and Developing the Record

.31 A group home provider/foster family agency that does not concur with the decision letter and requests a different rate shall file a written appeal, including a specific statement of disputed issues, with the Department within 60 days of receipt of the decision letter. The date of mailing of the appeal shall establish the filing date.

.311 The written appeal shall specify whether the group home provider/foster family agency is requesting an oral administrative hearing, or an administrative hearing based upon the written record developed in accordance with Section 11-407.32 without the taking of oral testimony or oral argument.

.312 The appeal shall be submitted, via certified mail, return receipt requested, to:

Chief Administrative Law Judge  
State Department of Social Services  
744 P Street, MS 19-66  
Sacramento, CA 95814  
Attn: Presiding Judge, Sacramento Eastern  
Region

(a) At the same time, a copy shall be mailed, via certified mail, return receipt requested, to:

State Department of Social Services  
Foster Care Rates Bureau  
744 P Street, M.S. 19-74  
Sacramento, CA 95814

.313 The request for appeal shall specify whether or not the group home provider/foster family agency desires that an informal conference be held.

(a) If an informal conference is requested, the reasons for the informal conference shall be included with the request for appeal.

(b) If the Administrative Law Judge determines that an informal conference is appropriate, it shall be ordered and scheduled as soon as reasonably possible. The Administrative Law Judge shall preside at this informal conference.

(c) The Administrative Law Judge shall provide written notice of the date, time, and place of the informal conference which shall be mailed to each party at least 10 calendar days before the date of the informal conference. This period may be shortened with the consent of the parties. Any party may waive notice.

(d) Efforts shall be made to resolve the facts and issues in dispute in a fair and equitable manner, subject to the requirements of state and federal law.

.32 Developing the Written Record.

- .321 Within 45 days of receipt of an appeal, the Department shall provide the group home provider/foster family agency with a list and copies of documents to be submitted as the written record.
- (a) If it has not been specified previously, the Department shall request the group home provider/foster family agency to specify if an oral administrative hearing is requested or if a decision may be rendered based upon the written record.
- .322 The group home provider/foster family agency shall be permitted to add documents and provide any additional arguments or material for inclusion in the record within 30 days of the receipt of the list of documents.
- .323 Within 30 days of receipt of additional documents, arguments, or material submitted by the group home provider/foster family agency, the Department shall forward the written record to the Administrative Adjudications Division.
- .324 Upon submission of the written record, the Administrative Law Judge may request additional information or argument from any party. The other party shall be provided an opportunity to respond to such additional submission.
- .325 In addition to the documents listed in Sections 11-407.321 through .324, the written record shall include, but not be limited to, the following:
- (a) The appeal filed by the group home provider/foster family agency.
- (b) All relevant documents pursuant to Section 11-407.224.
- (c) All applicable laws and regulations including those matters of which the Administrative Law Judge takes official notice.
- .33 When the administrative hearing is to be conducted without an oral administrative hearing, the record shall be closed and the parties notified when the Administrative Law Judge determines that the record is complete. The Administrative Law Judge shall conduct the administrative hearing upon the written record, within 180 days after filing the appeal.

.34 The following shall occur when an oral administrative hearing has been requested:

- .341 A written notice of the date, time and place of the oral administrative hearing shall be mailed by the Administrative Law Judge to each party at least 30 calendar days prior to the date of the oral administrative hearing. This period may be waived by any party or shortened with the consent of all parties.
- .342 The oral administrative hearing shall be conducted within 180 days after the filing of an appeal by the group home provider or foster family agency.
- .343 The Administrative Law Judge shall determine the date, time, and location of the oral administrative hearing to be held within Sacramento County, unless a different location is ordered by the Administrative Law Judge based upon the needs of a particular appeal.

.4 Procedures Applicable to All Administrative Hearings.

- .41 The Administrative Law Judge on his/her own motion or the motion of any party may:
  - .411 Extend any time period in these appeal regulations for good cause, except the time period set forth in Section 11-407.31 for the filing of an appeal.
  - .412 Consolidate for an administrative hearing or decision any number of issues or appeals when the facts and circumstances are similar and no substantial right of any party is prejudiced.
  - .413 Join other parties, grant continuances, and hold additional administrative hearings, as necessary.
  - .414 Hear any issue before any other issue in the proceeding if the decision on that issue could abate further proceedings.
  - .415 Question any party or witness.
  - .416 Prepare a proposed decision for the Director on any separately heard issue.
    - (a) Postpone hearing any remaining issues until a final decision has been submitted on any separately heard issues.

.417 Require any party to submit written memoranda pertaining to any or all issues.

.418 Dismiss the appeal if the group home provider/foster family agency fails to proceed with the administrative hearing process or fails to appear at an oral administrative hearing.

(a) A copy of such dismissal shall be mailed to each party with a statement of the group home provider/foster family agency's right to request that the administrative hearing be reopened.

(b) The Administrative Law Judge may vacate any dismissal if the group home provider/foster family agency applies in writing, within 10 calendar days after receipt of such dismissal, and shows good cause for failure to proceed or to appear at the administrative hearing. Lack of good cause shall be inferred if a continuance of the administrative hearing is not requested promptly upon discovery of the reason(s) for failure to proceed or appear at the administrative hearing.

(c) The parties shall be given written notice of an order granting or denying any application to vacate a dismissal.

.42 In order to obtain additional evidence, the Administrative Law Judge may:

.421 Continue the administrative hearing and hold the record open for any party to produce additional evidence.

.422 Close the administrative hearing and hold the record open for the introduction of additional documentary evidence.

(a) Material submitted after the close of the administrative hearing shall be provided to each party and to the Administrative Law Judge.

(b) Each party shall have the opportunity for rebuttal.

- .423 If the nature of the additional evidence or the rebuttal warrants, order an additional administrative hearing.
- .424 Reopen the record on his/her own motion.
- .43 An Administrative Law Judge may refuse to allow any person to represent a party in an administrative hearing when the person:
- .431 Engages in unethical, disruptive, or contemptuous conduct.
- .432 Intentionally fails to comply with the instructions or orders of the Administrative Law Judge or the administrative hearing procedures.
- .44 The administrative hearing need not be conducted according to technical rules relating to evidence and witnesses, except as provided in these regulations.
- .441 Relevant evidence, including hearsay, shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.
- (a) Hearsay evidence shall be permitted to be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions.
- (b) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized under California law in civil actions.
- (c) Irrelevant, cumulative or unduly repetitious evidence may be excluded by the Administrative Law Judge.
- (d) A duplicate is admissible to the same extent as an original unless:
- (1) A genuine question is raised as to the authenticity of the original or the duplicate.
- (2) It would be unfair to admit the duplicate in lieu of the original.

.442 The Administrative Law Judge shall take official notice of those matters which must be judicially noticed by a court under Section 451 of the California Evidence Code, and may take official notice of those matters which may be judicially noticed by a court under Section 452 of the California Evidence Code.

(a) The parties to the administrative hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record.

(b) Each party shall be given a reasonable opportunity, upon request, to refute the officially noticed matters.

.45 Procedures Governing Subpoenas

.451 Before the administrative hearing has commenced, the agency or the assigned Administrative Law Judge shall issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the administrative hearing. Subpoenas and subpoenas duces tecum shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. After the administrative hearing has commenced, the Administrative Law Judge may issue subpoenas and subpoenas duces tecum.

.452 The process issued pursuant to Subdivision (a) shall be extended to all parts of the state and shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend the administrative hearing unless the witness is a resident of the state at the time of service.

.453 All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court. Witnesses appearing pursuant to subpoena, except the parties, who attend administrative hearings at points so far removed from their residences as to prohibit

return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of three dollars (\$3) for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the administrative hearing. Fees, mileage, and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

.5 Additional Procedures Applicable to Oral Administrative Hearings

.51 Within 15 days after receipt of the written notice that the case has been calendared for an oral administrative hearing, each party shall mail or deliver to the other parties and the Administrative Law Judge a brief position statement summarizing:

.511 The facts of the case;

.512 Legal authority supporting each party's position;

.513 Names and addresses of witnesses, including but not limited to, those intended to be called to testify; and

.514 A copy of all written documents and exhibits which are to be offered into evidence and which were not previously made a part of the record.

(a) An explanation shall be included of why the evidence was not previously provided. Unless good cause is shown, or the other party concurs in the submission, the Administrative Law Judge may exclude such evidence. If the evidence is allowed, the Administrative Law Judge may provide the other party additional time to respond to such evidence.

.52 Any party proposing to object to the receipt in evidence of any proposed exhibit shall advise the presenting party of such objection prior to the commencement of the administrative hearing.

- .521 All parties shall confer with respect to any objections in advance of the administrative hearing and attempt to resolve them.
- .53 A party appearing at an administrative hearing shall have the necessary evidence and witnesses present and be ready to proceed.
- .54 Testimony shall be taken on oath, or affirmation, under penalty of perjury.
- .55 The administrative hearing shall be electronically recorded, or perpetuated by other means capable of reproduction and transcription.
- .56 Each party shall have the right to:
- .561 Call and examine parties and witnesses;
- .562 Introduce documents or exhibits;
- .563 Question opposing witnesses and parties on any matter relevant to the issues even though the matter was not covered in the direct examination;
- .564 Impeach any witness regardless of which party first called the witness to testify; and
- .565 Rebut the evidence.
- .566 The group home provider/foster family agency shall not be called to testify during the Department's initial presentation pursuant to Section 11-407.571. A group home provider/foster family agency who thereafter fails to testify in its own behalf, may be called and examined as if under cross examination.
- .57 Subject to the discretion of the Administrative Law Judge, the order of the presentation of evidence shall be as follows:
- .571 The Department shall present its case first.
- .572 Once the Department has completed its case, the group home provider/foster family agency shall present its case.
- .573 The Department shall have the opportunity to rebut the group home provider's/foster family agency's evidence.

- .574 The group home provider/foster family agency shall have the opportunity to rebut the rebuttal presented by the Department.
- .58 The administrative hearing shall be conducted in the English language.
- .581 The proponent of any testimony to be offered by a witness who does not speak the English language proficiently shall provide an interpreter, approved by the Administrative Law Judge, proficient in the English language and the language in which the witness will testify.
- (a) The cost of the interpreter shall be paid by the party providing the interpreter.
- (b) The interpreter shall swear or affirm that he/she shall translate truthfully, accurately, and completely.
- .59 The Administrative Law Judge shall grant oral and may grant written argument at the request of any party made prior to the close of the administrative hearing.
- .591 The Administrative Law Judge shall advise the parties of the time and manner in which the written argument is to be filed.

## .6 Decision Process

- .61 A proposed decision in a format that may be adopted as the decision of the Director shall be submitted to the Director within 180 days after the closure of the record.
- .62 Within 120 days after submission of the Administrative Law Judge's proposed decision, the Director shall:
- .621 Adopt the proposed decision with or without reading or hearing the record.
- .622 Reject the proposed decision and adopt an alternative decision based upon the documentary and electronically recorded record, with or without taking additional evidence.

.623 Refer the matter to the same or a different Administrative Law Judge to take additional evidence.

(a) If the case is so assigned, the Administrative Law Judge shall, within 90 days, prepare a proposed decision, based upon the additional evidence and the documentary and electronically recorded record of the prior administrative hearing. The Director may then take one of the actions described in Section 11-407.62 in regard to the new proposed decision. The Director may return a proposed decision only twice on the same appeal.

.63 The decision shall be final when the decision is mailed to the parties. However, the Director retains jurisdiction to correct clerical errors.

.631 Copies of the final adopted decision, or the decision of the Director and the Administrative Law Judge's proposed decision if it was not adopted by the Director, shall be mailed by certified mail to the parties.

.64 The group home provider/foster family agency shall be permitted to request a review of the final decision of the Department in accordance with Section 1094.5 of the Code of Civil Procedure, within six months of the issuance of the Director's final decision.

Authority Cited: Sections 10553, 10554, 11466.4, and 11468, Welfare and Institutions Code.

Reference: Sections 11466.4, 11468, 11468.1, 11468.2, 11468.3, 11468.4, and 11468.5, Welfare and Institutions Code; and Sections 11510, 11512, and 11513, Government Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF  
APPROVAL

FILE  
In the offices of the Secretary to  
the State of California

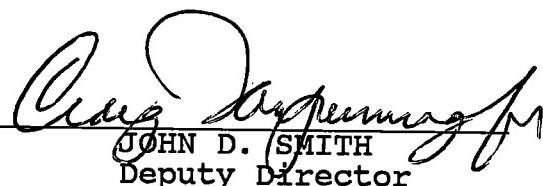
JUL 30 1991

At 3:44 o'clock P.M.  
MARION E. SMITH, Secretary of State  
By Ann M. Maravasco  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0729-05

  
JOHN D. SMITH  
Deputy Director

07/30/91

**REGULAR**  
**NOTICE PUBLICATION/REGULATIONS SUBMISSION**(See Instructions on  
reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0701-025		

For use by Office of Administrative Law (OAL) only

1991 JUL -1 PM 3:57

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

JUL 31 1991

Office of REGULATIONS, Office of Law

NOTICE

AGENCY

STATE DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (if any)  
0391-10FILED  
in the office of the Secretary of State  
of the State of California

JUL 31 1991

At 4:42 o'clock P.M.  
MARIE F. ELLIOTT, Secretary of State  
By: *Ann M. Marsteller*  
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted	<input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER 91-#18-2
			PUBLICATION DATE 5-3-91

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
ADOPT SECTIONS AFFECTED 40-008 and 63-001	
AMEND 40-181 and 63-504	
TITLE(S) MPP	REPEAL

**2. TYPE OF FILING**

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title I, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)			
<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify)	8-1-91

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
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 Other (Specify)

6. CONTACT PERSON Jim Rhoads, Asst. Chief, Regulations Development Bureau	TELEPHONE NUMBER 445-0313
--	------------------------------

7. *I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.*

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*Lonnie M. Carlson*

TYPED NAME AND TITLE OF SIGNATORY

LONNIE M. CARLSON, INTERIM DIRECTOR

DATE

7-1-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

## **INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

FINAL STATEMENT OF REASONS

- a) Description of the Public Problem, Administrative Requirement or Other Condition or Circumstance the Regulations are Intended to Address

Current Aid to Families with Dependent Children (AFDC) regulations in Section 40-181.241(a) and Food Stamp (FS) regulations in Section 63-504.321, consider a Monthly Eligibility Report (CA 7) (7/87) incomplete if the CA 7 is signed prior to the first day of the report month. A small percentage of cases are subject to possible discontinuance because the CA 7 was signed early with resulting reapplication and break-in-aid, thus creating additional workload for counties and financial hardship for clients.

A waiver of the above requirement for the AFDC Program has been in effect since 1987 to allow the Los Angeles County Department of Public Social Services (LADPSS) to conduct a pilot program to determine the feasibility of accepting CA 7s as complete when they are signed prior to the first day of the report month only under the following conditions: (1) the first day of the report month falls on a nonpostal delivery day, and (2) the CA 7 is delivered on the last postal delivery day of the budget month.

The results of the pilot program showed reduced workload, insignificant unreported information, no quality control errors and avoidance of potential recipient hardship due to possible disruption in aid. Based on the result of this study, the Department has determined that it would be beneficial for counties and recipients to amend regulations for both the AFDC and Food Stamp programs. These proposed regulations would allow the CA 7s signed prior to the first day of the report month to be considered complete when the conditions cited above are met.

- b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations are Necessary

Sections 40-008.1 and .2

Specific Purpose:

These sections are being adopted to specify that county welfare departments (CWDs) shall implement the provisions contained in this regulation effective August 1, 1991.

Factual Basis:

These sections are necessary to be consistent with 45 CFR 233.28 and Welfare and Institutions Code Section 11265.1.

Sections 40-181.241(a), (a)(1) and (2)(A), (B), and (C)

Specific Purpose:

These sections are being amended to add a provision which allows a CA 7 signed prior to the first day of the report month to be considered complete when all of the following conditions are met: (1) the first day of the report month falls on a nonpostal delivery day, (2) the CA 7 is delivered on the last postal delivery day of the budget month and (3) the recipient signs and dates the CA 7 on or before the last day of the budget month. In addition, this section is being reformatted for clarity with no substantive change to the existing regulatory text.

Factual Basis:

These sections are necessary to be consistent with 45 CFR 233.28 which permits states to define their own completeness standards for monthly reports and Welfare and Institutions Code, Section 11265.1 as it directs the Department to operate a monthly reporting system which is consistent with federal rules. The Department, therefore, in the interest of administrative efficiency and client benefit, is amending regulations to allow a CA 7 signed prior to the first day of the report month to be considered complete when the conditions specified above are met.

Final Modification:

At the Department's discretion, Section 40-181.241(2)(B) is being amended to be consistent with the revision being made in Section 63-504.321(b)(2) in response to testimony received.

Section 63-001

Specific Purpose:

This section provides the CWDs with implementation instructions and a specific date by which the provisions contained in these regulations are to be implemented.

Factual Basis:

This section is necessary to be consistent with and pursuant to Welfare and Institutions Code Sections 10554 and 18904.

Sections 63-504.32, .321(a), .321(b)(1), (2) and (3), .322 and .323

Specific Purpose:

These sections are being amended to allow a CA 7 signed earlier than the first day of the report month to be considered complete when all of the following conditions are met: (1) the first day of the report month falls on a nonpostal delivery day; (2) the CA 7 is delivered on the last postal delivery day of the budget month; and (3) the recipient signs and dates the CA 7 on or before the last day of the budget month. In addition, minor grammatical corrections and reformatting changes are being made for clarity.

Factual Basis:

These amendments are necessary to be consistent with and pursuant to 7 CFR 273.21 (j)(1) which requires in part that the Monthly Eligibility Report (CA 7) be reviewed for completeness and considered incomplete if information necessary to determine the household's eligibility or level of Food Stamp benefits is omitted. The Department, in the interest of administrative efficiency, program compatibility and recipient benefit, is amending regulations to allow a CA 7 signed prior to the first day of the report month to be considered complete when the conditions specified above are met. The editorial corrections are consistent with and pursuant to Welfare and Institutions Code Sections 10554 and 18904.

Final Modification:

In response to testimony received, Section 63-504.321(b)(2) is being amended for clarity to provide that a CA 7 be considered complete if dated on or after the last work day of the budget month when mailed by the CWD for delivery on the last postal delivery day of the budget month.

- c) Identification of Documents Upon Which Department Is Relying

7 CFR 273.21(j) and 45 CFR 233.28

d) Testimony and Response

As a result of the Department's June 18, 19 and 20, 1991 public hearings, no oral testimony was presented and written testimony was received from the following testifier:

County of Orange - Social Services Agency

The testifier's comments and the Department's responses follow numerically:

Section 63-504.321

Comment:

County of Orange testified that, "the exact postal delivery date of a particular CA7 is difficult to determine. We propose that a CA7 be considered complete if dated on or after the last work day of the budget month. Please consider this a request to modify the aforementioned manual section to reflect this definition."

Response:

The Department agrees that some clarification is needed regarding the intent of this provision and has revised the regulations accordingly.

e) Local Mandate Statement

These regulations impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Government Code or Section 6 of Article XIII A of the California Constitution because implementation of these regulations will result in a small amount of estimated cost savings to local agencies.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

The Department has determined that there will be no fiscal impact on private persons or businesses as a result of filing these regulations.

SDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

g) Small Business Impact Statement

The Department has determined that there will be no fiscal impact on small businesses as a result of filing these regulations.

h) 15-Day Renotice Statement

No notice was necessary pursuant to Section 11346.8 of the Government Code because the changes made to the regulations were for clarity only and nonsubstantial in nature.

UPDATED INFORMATIVE DIGEST

Current Aid to Families with Dependent Children (AFDC) regulations in Section 40-181.241(a) and Food Stamp (FS) regulations in Section 63-054.321, consider a Monthly Eligibility Report (CA 7) (7/87) incomplete if the CA 7 is signed prior to the first day of the report month. A small percentage of cases are subject to possible discontinuance because the CA 7 was signed early with resulting reapplication and break-in-aid, thus creating additional workload for counties and financial hardship for clients.

A waiver of the above requirement for the AFDC Program has been in effect since 1987 to allow the Los Angeles County Department of Public Social Services (LADPSS) to conduct a pilot program to determine the feasibility of accepting CA 7s as complete when they are signed prior to the first day of the report month only under the following conditions: (1) the first day of the report month falls on a nonpostal delivery day, and (2) the CA 7 is delivered on the last postal delivery day of the budget month.

The results of the pilot program showed reduced workload, insignificant unreported information, no quality control errors and avoidance of potential recipient hardship due to possible disruption in aid. Based on the result of this study, the Department has determined that it would be beneficial for counties and recipients to amend regulations for both the AFDC and Food Stamp programs. These proposed regulations would allow the CA 7s signed prior to the first day of the report month to be considered complete when the conditions cited above are met.

As a result of the Department's June 18, 19, and 20, 1991 public hearing, no oral testimony was received and only one item of written testimony was received. In response to that testimony the following changes were made: 1) Section 63-504.321(b)(2) was amended for clarity to provide that a CA 7 be considered complete if dated on or after the last work day of the budget month when mailed by the CWD for delivery on the last postal delivery day of the budget month; and 2) Section 40-181.241(2)(B) was amended for clarity and to be consistent with the revision made in Section 63-504.321(b)(2).

Adopt Section 40-008 to read:

40-008    EARLY CA 7 SIGNOFF

40-008

- .1    This regulatory action consists of amending Section 40-181.241 to allow for early CA 7 (Rev. 7/87) signoff consistent with 45 CFR 233.28 and Welfare and Institutions Code Section 11265.1.
- .2    The effective date of these regulations shall be August 1, 1991.

Authority Cited: Sections 11265.1, 10554, and 18904 Welfare and Institutions Code.

Reference:        45 CFR 233.28.

Amend Sections 40-181.241(a), (a)(1), and (2)(A), (B) and (C) to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION  
OF ELIGIBILITY (Continued)

40-181

.2 (Continued)

.24 (Continued)

.241 (Continued)

(a) The date the CA 7 (Rev. 7/87) is signed shall be no earlier than the ~~1st~~ first day of the report month.

(1) However, ~~This requirement is met when the date entered on the CA 7 by the recipient, together with other dated material provided with the CA 7 and the date on which the CWD mailed or gave the CA 7 to the recipient, clearly establishes that the CA 7 was signed no earlier than the first day of the report month.~~ and

(2) This requirement does not apply when:

(A) The first day of the report month falls on a nonpostal delivery day;

(B) The CA 7 is mailed by the CWD for delivery on the last postal delivery day of the budget month; and

(C) The recipient signs and dates the CA 7 on or before the last day of the budget month.  
(Continued)

Authority Cited: Sections 11265.1, 10554 and 18904, Welfare and Institutions Code.

Reference: 45 CFR 233.28.

Adopt Section 63-001 to read:

63-001    IMPLEMENTATION OF EARLY CA 7 SIGNOFF

63-001

Effective August 1, 1991, the CWDS shall implement the amended provisions in Section 63-504.321 for all Food Stamp households subject to monthly reporting requirements.

Authority Cited: Sections 11265.1, 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.21(j).

Amend Sections 63-504.32, .321, .322 and .323 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING  
ELIGIBILITY (Continued)

63-504

.32 Complete CA 7 (Rev. 7/87)

The CWD shall consider the CA 7 complete if all of the following requirements are met/\_.

.321 The CA 7 is dated no earlier than the first day of the report month.

(a) This requirement shall be met when the date entered on the CA 7, together with other dated material provided with the form CA 7, and the date on which the CWD mailed or gave the form CA 7 to the household clearly establishes the month and year to which the CA 7 applies/\_.

(b) This requirement shall not apply when:

(1) The first day of the report month falls on a nonpostal delivery day;

(2) The CA 7 is mailed by the CWD for delivery on the last postal delivery day of the budget month; and

(3) The recipient signs and dates the CA 7 on or before the last day of the budget month.

.322 The CA 7 provides the CWD with address (location) information sufficient to locate the household, however, households which do not have a fixed address shall not have their CA 7s rendered incomplete solely for this reason/\_.

.323 The CA 7 is signed by the head of the household, authorized representative, or responsible household member. The PA caretaker relative, natural or adoptive parent, if not one of the above, shall not satisfy this requirement/\_.  
(Continued)

Authority Cited: Sections 11265.1, 10554, and 18904 Welfare and Institutions Code.

Reference: 7 CFR 273.21(j).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF  
APPROVAL

FILE  
In the office of the Secretary  
of the State of California

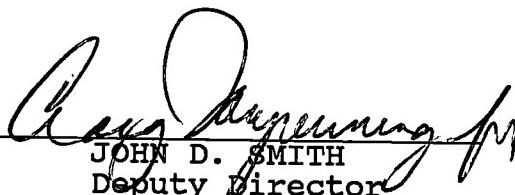
JUL 31 1991

At 4:42 o'clock P.M.  
MARIA FINGEU, Secretary of State  
By Anne M. Mansserec  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0701-02

  
JOHN D. SMITH  
Deputy Director

07/31/91

**REGULAR**  
**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90)

(See Instructions on  
reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0701-045		
For use by Office of Administrative Law (OAL) only				
<p style="text-align: center;">1991 JUL - 1 PM 4:45</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW APPROVED FOR FILING</p> <p style="text-align: center;">JUL 31 1991</p> <p style="text-align: center;">Office of Administrative Law</p> <p style="text-align: center;">REGULATIONS</p>				
NOTICE				
AGENCY		AGENCY FILE NUMBER (If any)		
Department of Social Services		RDB #0789-22		

**FILED**  
in the Office of the Secretary of State  
the State of California

JUL 31 1991

At 4:42 o'clock P.M.  
W.R.U. - REG EU, Secretary of State  
By Anne M. Manassero

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
<b>OAL USE ONLY</b> <input type="checkbox"/> ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified		<input type="checkbox"/> Disapproved/ Withdrawn		NOTICE REGISTER NUMBER 90-#40-2
				PUBLICATION DATE 10-5-90

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

SECTIONS AFFECTED  MPP	ADOPT  (See attached list)
	AMEND  (See attached list)
TITLE(S)	
REPEAL  (See attached list)	

**2. TYPE OF FILING**

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			

**3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)**

June 5, 1991 through 5:00 p.m., June 20, 1991

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)			
<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify)	October 1, 1991
August 1, 1991			

**5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

Department of Finance (Form STD. 399)     Fair Political Practices Commission     State Fire Marshal

Other (Specify)

6. CONTACT PERSON	TELEPHONE NUMBER
Jim Rhoads, Assistant Chief, Regulations Development Bureau	445-0313

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

7-1-91

TYPED NAME AND TITLE OF SIGNATORY

LONNIE M. CARLSON, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

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Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

SECTIONS AFFECTED:

ADOPT:

Sections 44-200; 80-201; 80-301; 80-310; 82-804; 82-808; 82-812; 82-820; 82-824; 82-828; 82-832; 82-836; and 88-410.

AMEND:

Sections 40-105.23; 40-115.22; 40-117.21; 40-118; 40-181.241(c); 41-440.24; 41-450.11 and .12; 43-109.21; 44-103.117(d) and .23; 44-133.6 and .101(g); 44-203.115(c), amended and renumbered to 82-808.41; 44-205.632; 44-206.1; 44-209.232; 44-209.3; 44-212.2; 44-309.1; and 44-317.621.

REPEAL:

Sections 40-103.5, .7, and .84; 40-125.24, .25, .32, .33, and .34; 40-189.11; 41-403.1; 41-703.21 and .23; 42-503; 42-505; 42-509; 42-513; 43-10<sup>3</sup>1.1 and .2; 43-119.11; 44-133.5, .711, and .712; 44-201; 44-203.1 (except .115(c)); 44-203.12; 44-203.21 (except .213) and .22; 44-203.3; 44-205.1, .2, .3, .4, .5, .61, and .64; 44-206.1(a) through (m) (except (d), (d)(3), and (f), which have been renumbered to (a), (a)(1), and (b), respectively); 44-206.211, .23, .24, and .25; 44-267; and 44-317.9.

*per agency  
pmc  
7.31.91*

1) Amend Section 40-118 to read:

40-118 WHO MUST BE INCLUDED AS APPLICANTS ON THE STATEMENT  
OF FACTS (FILING UNIT)

40-118

/1 The following individuals, if living in the same household as the child for whom aid is requested, shall be included on the appropriate Statement of Facts (CA 2, CA 8, or CA 20) and after an application, re-determination, request to add a person or request for restoration:

/11 Natural or adoptive brothers and sisters (including half brothers and half sisters) of the child for whom aid is requested who are themselves potentially eligible children. A potentially eligible child is any child living in the home of his/her caretaker relative (see Section 44-203/113 and 12) who meets the age requirements of Section 42-101, and for whom any basis of deprivation in Section 41-4011 has been established. A child is not potentially eligible and is not to be included when he/she is an undocumented alien or a child identified in Sections 44-206/112/1, 44-206/112/1, or 44-206/112/1.

HANDBOOK BEGINS HERE

/111 The Department of Social Services and the counties have been prohibited by court order in Simon v. McMahon from counting the income of property of a child when the family chooses to exclude the child from the assistance unit. When the family chooses to exclude the child, the child's income and property are not considered available to the assistance unit and the entire case is a nonfederal case!

HANDBOOK ENDS HERE

/12 Natural or adoptive parents of a child mentioned in 11 above!

.1 Mandatory Inclusion The applicant shall include the following persons if living in the home on the applicable Statement of Facts:

- |                                  |   |
|----------------------------------|---|
| <u>.11 Applicant Child</u>       | An applicant child, and   |
| <u>.12 Siblings</u>              | Children who are siblings or half-siblings of the applicant child, and                                  |
| <u>.13 Parents</u>               | The parents of any child listed above, or   |
| <u>.14 Pregnant Woman</u>        | A pregnant woman, in a one-person AU, or  |
| <u>.15 SSI/SSP Child</u>         | The caretaker relative, stepparent, and second parent of an SSI/SSP child when aid is requested.        |
| <u>.16 GAIN Sanctioned Child</u> | The caretaker relative, stepparent, and second parent of a child who is sanctioned by the GAIN program. |

- .17 Senior Parent.
- .18 Sponsor of an alien.
- .19 Spouse of persons mandatorily included in the filing unit.
- .2 Optimal Persons
- .24 County Responsibility
- .3 Relinquishment
- .41 Denny Application
- .42 Denny Persons
- The County shall determine whether the applicantate individual's facts are included on the applicable statement of facts (a) 21, (a) 48, or (a) 20).
- The County shall determine whether the applicantate individual's facts are included on the applicable statement of facts (a) 21, (a) 48, or (a) 20).
- The County shall deny the application, or redetermine, or request for restoration shall be denied if it whenever the applicant refuses to include the county in its application for any individual person listed in (a) 21, (a) 48, or (a) 20.
- The County shall deny the application, or redetermine, or request to add a person, or whenever the applicant refuses to include the county in its application for any individual person listed in (a) 21, (a) 48, or (a) 20.
- Facts:
- The County shall deny the application, or redetermine, or request to add a person, or whenever the applicant refuses to include the county in its application for any individual person listed in (a) 21, (a) 48, or (a) 20.
- The County shall deny the application, or redetermine, or request to add a person, or whenever the applicant refuses to include the county in its application for any individual person listed in (a) 21, (a) 48, or (a) 20.
- Authority Cited:
- Sections 10553, 10554 and 10604, Welfare and Institutions Code.
- Reference:
- 45 CFR 206.10(a)(1)(vi), 45 CFR 206.10(a)(5)(i), and 45 CFR 233.90(c); SSA-AT-86-01; Civil Code 224m and 229; 42 USC A. 3d 858. Zapata v. Woods (1982) 187 Cal. Rptr 351, 137 C.A. 3d 858.

2) Amend Section 41-440.24 to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM

41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment (Federal AFDC-U)

.24 The AFDC-U principal earner, who is apparently eligible for UIB (see Section 44-103.115(a)), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to EDD by the county welfare department. When the principal earner does not meet this requirement, Federal AFDC-U deprivation does not exist for the family (~~unless Section 44-103.115(a) is met~~). This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid. See Section 44-103 for the requirements for pursuing UIB as potential income for principal earners who are not exempt from WIN GAIN registration.

Authority Cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b).

3) Adopt new Handbook Section 44-200 to read:

HANDBOOK BEGINS HERE

44-200 RELOCATION OF ASSISTANCE UNIT REGULATIONS

44-200

.1 The AU regulations have been relocated as follows:

<u>REGULATION CITATION</u>	<u>SUBJECT</u>	<u>NEW REGULATION CITATION</u>
<u>44-203</u>	<u>PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS</u>	
<u>44-203.1</u>	<u>ELIGIBLE CHILD</u>	
<u>44-203.11</u>	<u>Definition</u>	<u>80.301(e)(1)</u>
<u>44-203.112</u>	<u>Income Eligibility</u>	<u>80-301(e)(1)</u>
<u>44-203.113</u>	<u>Deprivation</u>	<u>80-301(e)(1)</u>
<u>44-203.115(a)</u> <u>Paragraph 1 Relative</u>	<u>Living in Home of Caretaker</u>	<u>82-804.1 and .2</u>
	<u>Paragraph 2 Temporary Absence</u>	<u>82-812</u>
	<u>Paragraph 3 Examples of Temporary Absence</u>	<u>82-812.7 and .8</u>
<u>44-203.115(b)</u>	<u>Child Returning from AFDC-FC</u>	<u>Repealed</u>
<u>44-203.115(c)</u>	<u>Alternate Living Arrangements</u>	<u>82-808.41</u>
<u>44-203.12</u>	<u>Child Principal Earner</u>	<u>Repealed</u>
<u>44-203.2</u>	<u>CARETAKER RELATIVES</u>	
<u>44-203.21</u>	<u>Definition</u>	<u>80-301(c)(1)</u> <u>82-808.1 and .2</u>
<u>44-203.211</u>	<u>Care and Control</u>	<u>82-808.2</u>
<u>44-203.212</u>	<u>Care and Control Factors</u>	<u>82-808.3</u>
<u>44-203.213</u>	<u>Alternatively Sentenced Parents</u>	<u>Retained</u> <u>80-301(a)(5) and (e)(2)</u>
<u>44-203.22</u>	<u>Relatedness</u>	<u>82-808.1</u>

<u>44-203.22</u>	<u>Relinquishment Last Paragraph</u>	<u>82-808.12</u>
<u>44-203.3</u>	<u>Other Relatives Living in the Home of an Eligible Child</u>	<u>82-820.33</u> <u>82-828.2</u>
<u>44-203.31</u>	<u>Other Relatives (Second Parents/Stepparents)</u>	<u>82-828.2</u> <u>82-820.3</u>
<u>44-205</u>	<u>ESTABLISHING THE FBU</u>	
<u>44-205</u>	<u>GENERAL</u>	<u>82-820.4</u>
<u>44-205.2</u>	<u>DETERMINING THE CARETAKER</u>	<u>82-808.2</u>
<u>44-205.3</u>	<u>DETERMINING NUMBER OF FBUs</u>	<u>82-824</u>
<u>44-205.4</u>	<u>PERSONS REQUIRED TO BE IN FBU</u>	<u>82-820.2 &amp; .3</u>
<u>44-205.41</u>	<u>Minimum Requirements</u>	<u>82-820.2</u>
<u>44-205.411- .413</u>	<u>Parents &amp; Siblings</u>	<u>82-820.3</u>
<u>44-205.42</u>	<u>Declining Aid</u>	<u>Repealed</u>
<u>44-205.43</u>	<u>Simon v. McMahon</u>	<u>Repealed</u>
<u>44-205.5</u>	<u>PERSONS WHO MAY BE IN FBU</u>	<u>82-828</u>
<u>44-205.51</u>	<u>County Responsibility</u>	<u>82-828.1</u>
<u>44-205.511</u>	<u>Other Related Children</u>	<u>82-828.22</u>
<u>44-205.512</u>	<u>Nonparent Caretaker Relatives</u>	<u>82-828.21</u>
<u>44-205.513</u>	<u>Stepparents</u>	<u>82-828.23</u>
<u>44-205.6</u>	<u>AID BASED ON PREGNANCY</u>	<u>82-836</u> <u>88-410</u>
<u>44-205.61</u>	<u>Pregnant Woman Definition</u>	<u>80-301(p)(2)</u>
<u>44-205.62</u>	<u>Excluded Father</u>	<u>Retained</u>
<u>44-205.63</u>	<u>Application</u>	<u>Retained</u>
<u>44-205.64</u>	<u>FBU of One</u>	<u>82-836.1</u> <u>88-410.1</u>

<u>44-205.641</u>	<u>Eligibility</u>	<u>82-836.12</u> <u>88-410.12</u>
<u>44-205.642</u>	<u>Medical Verification</u>	<u>82-836.11</u> <u>88-410.11</u> <u>80-301(m) (2)</u>
<u>44-205.643</u>	<u>Existing FBU/Pregnant Woman</u>	<u>82-836.14</u> <u>88-410.14</u>
<u>44-205.7</u>	<u>Separate FBU</u>	<u>Retained</u>
<u>44-206</u>	<u>PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU)</u>	
<u>44-206.1</u>	<u>PERSONS WHO MUST BE EXCLUDED</u>	
<u>44-206.1(a)</u>	<u>Other Aid Programs</u>	<u>82-832.15</u>
<u>44-206.1(b)</u>	<u>Social Security Numbers</u>	<u>82-832.24</u>
<u>44-206.1(c)</u>	<u>AFDC-FC Child's Child</u>	<u>82-832.11</u>
<u>44-206.1(d) (1)</u>	<u>Support Rights</u>	<u>82-832.21</u>
<u>44-206.1(d) (2)</u>	<u>Absent Parent Location</u>	<u>82-832.21</u>
<u>44-206.1(d) (3)</u>	<u>Unconditionally Available Income</u>	<u>Retained</u>
<u>44-206.1(d) (4)</u>	<u>GAIN</u>	<u>82-832.23</u>
<u>44-206.1(e)</u>	<u>Citizenship/Alienage</u>	<u>82-832.22</u>
<u>44-206.1(f)</u>	<u>Strike</u>	<u>Retained</u> <u>82-832.25</u> <u>80-301(s) (10)</u> <u>80-301(s) (11)</u>
<u>44-206.1(g)</u>	<u>Other Aid - Foster Care</u>	<u>82-832.15</u>
<u>44-206.1(h)</u>	<u>Eligible Child's Spouse</u>	<u>82-832.17</u>
<u>44-206.1(i)</u>	<u>Sponsored Alien</u>	<u>82-832.16</u>
<u>44-206.1(j)</u>	<u>Father of Unborn</u>	<u>82-832.13</u>

<u>44-206.1(1)</u>	<u>UIB - Meet Conditions</u>	<u>82-832.27</u>
<u>44-206.1(m)</u>	<u>UIB</u>	<u>82-832.26</u>
<u>44-206.2</u>	<u>FAMILIES WHO MUST BE EXCLUDED</u>	<u>Retained</u>
<u>44-206.21</u>	<u>Strikers</u>	<u>Retained</u>
<u>44-206.22</u>	<u>Lump Sum</u>	<u>Retained</u>
<u>44-206.23</u>	<u>UIB - Principal Earner</u>	<u>Repealed</u>
<u>44-206.24</u>	<u>State-Only AFDC - UIB</u>	<u>Repealed</u>
<u>44-206.25</u>	<u>Quality Control Review</u>	<u>Repealed</u>

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

4) Amend Section 44-209.3 to read:

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF FINANCIAL  
PARTICIPATION (Continued)

44-209

.3 Essential Persons

.31 An essential person is a person stepparent or ASP described in .12 below who is not an otherwise federally eligible person under .2 and who:

.311 and who is related to a child determined to be federally eligible under .21 above, or

.312 Is related to a child who is either receiving SSI/SSP or sanctioned by GAIN who would otherwise be federally eligible under most the conditions of .21 above and is not a federally eligible person.

.12 The following persons shall be included as essential persons:

.121 Unemployed stepparents who are not federally eligible under Section 44-209.22/

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.20(a)(2)(vii), FSA-AT-91-1 dated January 1, 1991, and Section 11203, Welfare and Institutions Code.

5) Amend Section 44-317.62 to read:

44-317 BEGINNING DATE OF AID (Continued)

44-317

.6 (Continued)

.61 (Continued)

.62 Transfers Between AFDC (FG or U) and AFDC-FC

.621 Where a child receiving AFDC-FC moves to the home of a parent or relative and becomes part of an AFDC-FG/U ~~FBIAU~~, the effective date of change is the date he/she is placed in his/her parent's or relative's home. ~~For exception see Section 44-203/113(b), which provides for granting assistance to the parent or relative prior to the child's arrival in the parent's or relative's home from foster care placement.~~

Authority Cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, and 11056, Welfare and Institutions Code; and 45 CFR 233.10, and 233.10(a)(1), 233.20(a)(1)(ii), and 233.90(c)(2)(i).

- 6) Adopt Handbook Chapter Title and Handbook Section 80-201 to read:

CHAPTER 80-200 IMPLEMENTATION SCHEDULE

80-201 IMPLEMENTATION OF ASSISTANCE UNIT RULES

80-201

HANDBOOK BEGINS HERE

.1 Effective Date

This regulatory action shall be effective October 1, 1991.

.2 Sections Adopted

The following sections are adopted with this regulation package:

<u>80-301</u>	<u>Definitions</u>
<u>80-310</u>	<u>Definitions - Forms</u>
<u>82-120</u>	<u>Determining Relatedness</u>
<u>82-800</u>	<u>Assistance Unit</u>
<u>82-804</u>	<u>Living in the Home of a Caretaker Relative</u>
<u>82-808</u>	<u>Caretaker Relative Requirements</u>
<u>82-812</u>	<u>Temporary Absence</u>
<u>82-816</u>	<u>Potentially Eligible Child</u>
<u>82-820</u>	<u>Included Persons</u>
<u>82-824</u>	<u>Assistance Units that Shall Be Combined</u>
<u>82-828</u>	<u>Optional Persons</u>
<u>82-832</u>	<u>Excluded Persons</u>
<u>82-836</u>	<u>Federal AFDC for Pregnant Women</u>
<u>88-410</u>	<u>State Pregnant Woman Assistance</u>

.3 Sections Repealed

<u>40-103.5, .7, and .84</u>
<u>40-125.24, .25, .32, .33, and .34</u>
<u>40-189.11</u>
<u>41-403.1</u>
<u>41-703.21 and .23</u>
<u>42-503 except .52</u>
<u>42-505</u>
<u>42-509</u>
<u>42-513</u>
<u>43-103.1 and .2</u>
<u>43-119.11</u>
<u>44-133.5</u>
<u>44-133.711</u>
<u>44-201</u>
<u>44-203.1</u>
<u>44-203.115(a)</u>
<u>44-203.115(b)</u>

HANDBOOK CONTINUES

HANDBOOK CONTINUES

44-203.12  
44-203.2 except .213  
44-203.3  
44-205.1 and .2  
44-205.3  
44-205.4  
44-205.5  
44-205.6 except .63  
44-206.1 except (d) (3) and (f)  
44-206.2 except .21 and .23  
44-267  
44-317.9

.4 Sections Amended

40-118  
41-440.24  
44-203.115(c)  
44-209.3  
44-317.621

.5 Changes-Adoptions

(a) Centralized Definitions

The definitions which pertain to the assistance unit (AU) composition are general to AFDC and centralized in one location in Section 80-301.

(b) Degree of Relatedness

Regulations extend the degree of relatedness that a relative must meet to be a caretaker relative to include all of the relatives currently allowed and those with the prefix half- in front of that level of relatedness, i.e., half-cousin. (See Section 82-808.1.)

(c) Verification of Relatedness

Regulations provide specific requirements to be met to document the relatedness of the caretaker relative to the eligible child. (See Section 82-808.13)

(d) Separate Assistance Units

Regulations clarify that two AUs shall not be established when the children are half-siblings. (See Section 82-820.32.)

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (e) Essential Persons - Limited to Stepparents and ASPs

Regulations make specific that only stepparents or alternatively sentenced parents (ASPs) may be considered essential persons. (See Section 82-828.23.)

- (f) Separate Federal - State Pregnant Women Regulations

Regulations separate the requirements for aiding pregnant women under the federal AFDC program and the state AFDC program. (See Sections 82-836.1 and 88-410.)

- (g) Biological Relatives

Regulations specify that relinquishment of a child for adoption or termination of parental rights do not sever the relatedness ties of the biological relatives of the child when determining a caretaker relative. (See Section 82-808.1.)

.6 Changes-Repeals

- (a) Institutional Status

The regulations for institutional status are repealed. (Chapter 42-500)

- (b) AFDC 30 Days Before Return of Foster Care Child

The regulation which provided AFDC to the caretaker relative 30 days before the return of a child from foster care has been repealed. (Section 44-203.115b)

- (c) Special Need Payment For Child 30 Days Before Return from Foster Care

The regulation which provided special need payments to children who were expected to return from foster care to the home of the caretaker relative within 30 days is repealed. (Section 44-267)

- (d) One Assistance Unit

The regulations which provided for establishing more than one AU are repealed. This section is not needed because of the mandatory inclusion regulation. (Section 44-205.31)

- (e) Declining Assistance

The regulation which allowed a person to decline assistance after eligibility had been determined is repealed. (Section 44-205.42)

- (f) Essential Person - Unemployed Stepparent

The requirement that a stepparent be unemployed to be eligible to be an essential person is repealed. (Section 44-206.312a)

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (g) Families Excluded From the AU  
The regulation which listed those families who are excluded from the AU is repealed except for the striker provisions. (Section 44-206.21)
- .7 Regulations Not Affected By This Package  
These regulations are not affected by this package and will be amended later.
- (a) Alternatively Sentenced Parent  
The regulation in Section 44-203.213 is retained to continue to provide that a convicted offender parent (ASP) may be a caretaker relative.
- (b) Available Income  
The regulations in Section 44-206.1(d)(3) which require that a person be excluded from an AU for failure to seek available income are retained.
- (c) Father of Unborn  
The regulation in Section 44-205.62 which provides that an unaided father of an unborn is treated as an excluded parent, is retained.
- (d) Lump Sum  
The regulations in Sections 44-205.71 and 44-206.22 are retained to continue to provide rules concerning the AU's lump sum period of ineligibility.
- (e) Newborns  
The regulations in Section 44-205.63 are retained to continue to provide the regulations for adding a newborn to an AU.
- (f) Strikers  
The regulations in Sections 44-206.1(f) and 44-206.21 are retained to continue to provide for ineligibility for a person who is participating in a strike.
- .8 Reason for Changes  
This regulation package implements Federal Action Transmittal SSA-AT-86-01 which provided policies on treatment of AUs. In addition, these regulations reflect the regulation writing standards adopted by SDSS for AFDC regulations.
- .9 Notice of Action Changes  
Messages which are changed or added as a result of the package are: M40-118A, M40-118B, M40-118C, M40-118D, M40-118E, M43-119B, M44-203E, M44-205G, M44-205H, M44-205I, M82-820A, M82-820B, M82-820C, and M82-820D.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

7) Adopt Chapter 80-300 and Section 80-301 to read:

80-300 DEFINITIONS AND FORMS

80-300

80-301 DEFINITIONS

80-301

The following definitions apply to the regulations in Divisions 40 through 50 and 80 through 90.

(a) (1) Aid to Families with Dependent Children

"AFDC" means the financial aid program for needy children and their parents or caretaker relatives when the children lack parental support and care. This term refers to the program in general, regardless of source of funding.

(2) Aid to Families with Dependent Children - Foster Care (AFDC-FC)

"AFDC-FC" means the part of the AFDC program which provides aid to children in Foster Care.

(3) Aid to Families with Dependent Children - Family Group (AFDC-FG)

"AFDC-FG" means the part of the AFDC program which provides aid to children deprived of parental support due to absence, death or incapacity.

(4) Aid to Families with Dependent Children - Unemployed Parent (AFDC-U)

"AFDC-U" means the part of the AFDC program which provides aid to children deprived of parental support due to the unemployment of the principal earner.

(5) Alternatively Sentenced Parent (ASP)

"ASP" means a parent who is a convicted offender permitted to live at home while serving a court-imposed sentence that requires performing unpaid community service or unpaid public work during the workday.

(6) Applicant

"Applicant" means a person who requests aid or a person on whose behalf a request for aid is made.

(7) Applicant Child

"Applicant child" means a child for whom aid has been requested but whose eligibility has not yet been determined.

(8) Assistance Unit (AU)

"AU" means a group of related persons living in the same home who have been determined eligible for AFDC.

(b) (Reserved)

- (c) (1) Caretaker Relative  
"Caretaker relative" means a relative, related to the degree specified in Section 82-808.11, who:
- (A)  
Lives with a child who is part of the filing unit, and
- (B)  
Exercises responsibility for the day-to-day care and control of the child.
- (2) Child  
"Child" means a person who meets the age requirements as specified in Section 42-101. Where appropriate, "child" shall also mean "children".
- (3) County  
"County" means the local government agency responsible for the direct administration of public assistance in that county.

HANDBOOK BEGINS HERE

Note: In regulations which have not been moved to Division 80, the county may be referred to as CWD or county welfare department.

HANDBOOK ENDS HERE

- (d) (Reserved)
- (e) (1) Eligible Child  
"Eligible child" means a child who is a member of an AU.
- (2) Essential Person (EP)  
"EP" means a stepparent or ASP.
- (f) (1) Filing Unit  
"Filing unit" means the group of persons required to be on the Statement of Facts.
- (g) (1) GAIN  
"GAIN" means the Greater Avenues for Independence program which is a comprehensive statewide employment program for AFDC applicants and recipients.

(2) GED

"GED" means the General Education Development program which provides educational programs for persons no longer enrolled in public schools.

(h) (1) Half-Sibling

"Half-sibling" means a brother or sister having only one biological and/or adoptive parent in common with the applicant child.

(i) (Reserved)

(j) (Reserved)

(k) (Reserved)

(l) (Reserved)

(m) (1) Mandatory Inclusion

"Mandatory inclusion" means the requirement that a parent, sibling or half-sibling be included in a filing unit or AU with the applicant or eligible child.

(2) Medical Verification of Pregnancy

"Medical verification of pregnancy" means a written statement from a physician, physician's assistant, or by an authorized member of the physician's staff with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated delivery date.

(3) Minor Parent

"Minor parent" means the father, mother or pregnant woman, married or unmarried, who is less than 18 years of age.

(n) (Reserved)

(o) (1) Optional Person

"Optional person" means an otherwise eligible person who is not required to be included in the filing unit or AU.

(2) Otherwise Eligible

"Otherwise eligible" means a status where the person has been determined to meet all eligibility requirements for aid, other than that eligibility factor being considered.

(p) (1) Parent

"Parent" means the biological parent, married or unmarried, of the child unless the child has been adopted or relinquished for adoption or the parental rights are terminated. If the child is adopted, the person who adopts the child is the parent. If the child is relinquished for adoption or the parental rights are terminated, that parent is no longer considered the parent except for purposes of determining a caretaker relative.

<u>(2) Pregnant Woman</u>	<u>"Pregnant woman"</u> means a woman (including a minor) who has provided medical verification of pregnancy to the county.
<u>(3) Public Hospital</u>	<u>"Public hospital"</u> means an institution which is:
<u>(A)</u>	<u>Licensed or formally approved as a hospital by an officially designated state standard-setting authority for study, diagnosis, treatment of physical, emotional, or mental conditions, care of injured, disabled or sick persons, and</u>
<u>(B)</u>	<u>Supported from public funds, and</u>
<u>(C)</u>	<u>Managed and controlled by a unit of government.</u>
<u>(q) (Reserved)</u>	
<u>(r) (1) Recipient</u>	<u>"Recipient"</u> means a person who is receiving AFDC.
<u>(s) (1) Sanction</u>	<u>"Sanction"</u> means action taken by the county resulting in ineligibility resulting from an action or lack of action by a recipient.
<u>(2) Second Parent</u>	<u>"Second Parent"</u> means the parent living in the home who is not the caretaker relative parent.
<u>(3) Senior Parent</u>	<u>"Senior Parent"</u> means the parent of a minor parent when the minor parent receives aid for his/her child.
<u>(4) Sibling</u>	<u>"Sibling"</u> means the brother or sister who has both parents in common with the applicant child. This includes siblings by adoption.
<u>(5) Sponsored Alien</u>	<u>"Sponsored alien"</u> means an alien:
<u>(A)</u>	<u>Who is not the child of the sponsor or of the sponsor's spouse; and</u>
<u>(B)</u>	<u>Whose entry into the United States was sponsored by a person, public or private agency or organization, which executes an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's entry into the United States.</u>
<u>(6) State Department of Social Services (SDSS)</u>	<u>"SDSS"</u> means the state department which supervises the counties in the administration of the AFDC program. Also referred to as Department.

(7) Statement of Facts

"Statement of Facts" means the CA 8 (Rev. 2/84) CA 8A, (Rev. 10/89), CA 20 (Rev. 4/88) CA 22 (Rev. 10/85); CA 23, (Rev. 1/85), CA 24 (Rev. 1/85), JA2 (Rev. 4/90) or SAWS 2 (Rev. Pending) are the state required forms used to collect the information necessary to determine a family's eligibility. See Section 80-310 for title and definition of forms.

(8) State-only AFDC

"State-only AFDC" means the state and county funded AFDC programs for persons who do not meet specific federal eligibility requirements.

(9) Stepparent

"Stepparent" means the person who is not the biological parent and is married to the parent of the child.

(10) Strike

"Strike" means a concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

(11) Striker

"Striker" means an applicant or recipient who is participating in a strike on the last day of the month.

(12) Supplemental Security Income/State Supplementary Program (SSI/SSP) Child

"SSI/SSP child" means a child who would be eligible for AFDC except that he/she is receiving SSI/SSP. SSI/SSP is the federal/state assistance program for persons who are aged, disabled or blind as authorized by Title XVI of the Social Security Act.

(t) (Reserved)

(u) (Reserved)

(v) (Reserved)

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: (As listed below:)

TERM	PREVIOUS CITE	REFERENCE
Aid to Families With Dependent Children (AFDC)	40-103.84	45 CFR 201.3 and Sections 10553 and 10554, Welfare and Institutions Code.
Aid to Families With Dependent Children - Foster Care (AFDC-FC)	40-103.843	Sections 10553, 10554, and 11400(a), Welfare and Institutions Code.
Aid to Families With Dependent Children - Family Group (AFDC-FG)	40-103.841	Section 11250, Welfare and Institutions Code.
Aid to Families With Dependent Children-Unemployed Parent (AFDC-U)	40-103.842	Section 11201, Welfare and Institutions Code.
Alternatively Sentenced Parent (ASP)	N/A	45 CFR 233.90 (c)(1)(iii).
Applicant	40-103.5	45 CFR 206.10 and Sections 11023.5 and 11051 Welfare and Institutions Code.
Applicant Child	N/A	45 CFR 206.10 and Sections 10553 and 10554, Welfare and Institutions Code.
Assistance Unit	N/A	45 CFR 233.90, 42 USCA 602(a)(38), and SSA-AT-86-01.

TERM	PREVIOUS CITE	REFERENCE
Caretaker Relative	N/A	42 USCA 606(a), 45 CFR 233.90(c)(1)(v), and Section 11203, Welfare and Institutions Code.
Child	N/A	45 CFR 233.90 (c)(1)(i).
County	40-103.7	Section 10058, Welfare and Institutions Code.
Eligible Child	44-203.11	45 CFR 233.90(c)(1)(i) and Section 11203, Welfare and Institutions Code.
Essential Person (EP)	N/A	45 CFR 233.20(a)(2)(vi) and 45 CFR 237.50(c).
Filing Unit	N/A	45 CFR 206.10(a)(1)(vii).
GAIN	N/A	45 CFR 255 and Section 11320, Welfare and Institutions Code.
GED	N/A	Sections 10553 and 10554, Welfare and Institutions Code.
Half-Sibling	N/A	45 CFR 206.10(a)(1)(vii) and 45 CFR 233.90(c)(1)(v).
Mandatory Inclusion	N/A	45 CFR 226.10(a)(1)(viii), and Sections 10553 and 10554, Welfare and Institutions Code.
Medical Verification of Pregnancy	44-205.642	45 CFR 233.90(c)(2)(iv) and Section 11450, Welfare and Institutions Code.
Minor Parent	43-103.2 44-133.711	45 CFR 233.20(a)(3)(xviii) and Section 11008.14, Welfare and Institutions Code.
Optional Persons	N/A	45 CFR 233.20(a)(2)(vi) and 45 CFR 237.50(c).
Otherwise Eligible	N/A	Sections 10553, 10554, and 10604, Welfare and Institutions Code.

TERM	PREVIOUS CITE	REFERENCE
Parent	41-403.1	45 CFR 237.50(b)(3)(ii) and Section 11203, Welfare and Institutions Code.
Pregnant Woman	44-205.6	45 CFR 233.90(c)(2)(iv) and Section 11008.14, Welfare and Institutions Code.
Public Hospital	42-503.51	45 CFR 233.60(b)(3) and (5) and Section 11269, Welfare and Institutions Code.
Recipient	40-189.11	45 CFR 233.10(a)(1) and Section 11450, Welfare and Institutions Code.
Sanction	N/A	45 CFR 224.51 and 45 CFR 232.12(d)(1).
Second Parent	N/A	Sections 10553 and 10554, Welfare and Institutions Code.
Senior Parent	N/A	45 CFR 233.20 and Sections 10553 and 10554, Welfare and Institutions Code.
Sibling	N/A	Sections 10553 and 10554, Welfare and Institutions Code.
Sponsored Alien	43-119.11	45 CFR 233.20(a)(3)(xv) and 45 CFR 233.51 and Section 11008.13, Welfare and Institutions Code.
State Department of Social Services (SDSS)	N/A	Section 10054, Welfare and Institutions Code.
Statement of Facts	N/A	Sections 10553, 10554, and 11054, Welfare and Institutions Code.
State-only AFDC	N/A	Section 11450(b), Welfare and Institutions Code.
Stepparent	43-103.3	45 CFR 233.20(a)(3)(xiv) and Section 11008.14, Welfare and Institutions Code.
Strike	41-701.21	45 CFR 233.106 and Section 11250.4, Welfare and Institutions Code.
Striker	41-701.23	45 CFR 233.106 and Section 11250.4, Welfare and Institutions Code.

TERM	PREVIOUS CITE	REFERENCE
SSI/SSP Child	N/A	45 CFR 233.90.

8) Adopt Section 80-310 to read:

80-310 DEFINITIONS - FORMS

80-310

The following forms apply to the regulations in Division 40 through 50 and 80 through 90.

(a) through (b) Reserved

(c) (1) CA 8

The "Statement of Facts for Additional Persons" (Rev. 2/84) is used to collect the information necessary to determine eligibility when adding a person.

(2) CA 8A

The "Statement of Facts to Add a Child Under 16 Years" (Rev. 10/89) is used to collect the information necessary to determine eligibility when adding a child.

(3) CA 13

The "Caretaker Relative Agreement" (Rev. 10/86) is used to designate the caretaker relative as agreed by two persons who live in separate homes when both could qualify as the caretaker relative of a child.

(4) CA 20

The "Statement of Facts Supporting Eligibility for Assistance - Redetermination" (Rev. 8/90) is used to collect the information necessary to determine eligibility at the time of the annual redetermination.

(5) CA 22

The "Alien Sponsor's Statement of Facts Regarding Income and Resources (Supplemental Application for Food Stamps and AFDC)" (Rev. 10/85) is the form used to collect the information about the alien sponsor necessary to determine the eligibility of an applicant who is a sponsored alien.

(6) CA 23

The "Senior Parent(s)/Legal Guardian(s) Statement of Facts" (Supplement to CA 2, Rev. 1/89) is used to collect information about the senior parent/legal guardian's income to determine a minor parent's eligibility.

(7) CA 24

The "Sponsoring Agency or Organization's Statement of Facts Regarding Ability to Meet the Alien's Needs" (Rev. 1/85) is used to collect the necessary information to determine the eligibility of an alien who is sponsored by an agency or organization.

(d) through (l) (Reserved)

(j) (1) JA 2

The "Statement of Facts - Cash Aid and Food Stamps" (Rev. 4/90) is used to collect the information necessary to determine eligibility at the time of application and redetermination. This form replaces the CA 2.

(k) through (r) (Reserved)

(s) (1) SAWS 2

The "Statement of Facts Cash Aid Food Stamps and Medical Assistance" (Rev. 4/91) is used as a multipurpose form to gather information necessary to determine eligibility for Food Stamps, AFDC and Medi-Cal.

(t) through (z) (Reserved)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(8) and Section 11054, Welfare and Institutions Code.

9) Adopt new Chapter Title to read:

CHAPTER 82-800 ASSISTANCE UNIT

82-800

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 233.90, and Sections 10553 and 10554, Welfare and Institutions Code.

(10) Adopt Section 82-804 to read:

82-804 LIVING IN THE HOME OF A CARETAKER RELATIVE

82-804

.1 Living In The Home

An eligible child shall be living in the home of the caretaker relative.

.2 Home of a Caretaker Relative

The home of a caretaker relative is a family setting being maintained or in the process of being established for a child. A child is considered to be living in the home of a caretaker relative even when:

.21 Court Jurisdiction

A child is under the jurisdiction of the court and is living in the home of the relative (e.g., receiving probation services or protective supervision); or

.22 Legal Custody

A child's legal custody is held by an agency that does not have physical possession of the child.

[Previous cite: 44-203.111 - .113 and .12]

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 233.90 and 45 CFR 237.50(b)(2), Section 11450, Welfare and Institutions Code, and SSA-AT-86-01.

11) Adopt Section 82-808 to read:

82-808 CARETAKER RELATIVE REQUIREMENTS

82-808

- .1 Relationship of a Caretaker Relative  
The caretaker relative shall be related to the applicant/eligible child as specified below.
- .11 Degree of Relatedness  
The caretaker relative shall be one of the following (See Appendix A):
- .111 Biological Relatives  
A father, mother, brother, sister, uncle, aunt, first cousin, nephew, niece, or any such person denoted by the prefix half-, or of a preceding generation denoted by the prefixes grand, great, and great-great, or
- .112 Step-Relatives  
A stepfather, stepmother, stepbrother or stepsister, or
- .113 Spouses of Relatives  
A spouse of any person named above even after the marriage has been terminated by death or dissolution, or
- .114 Adoptive Relatives  
A person who legally adopts the child or that person's relatives, as specified.
- .12 Relinquishment/Adoption  
The caretaker relative shall be any of the relatives specified above when a child has been relinquished, adopted or parental rights are terminated.
- .13 Relationship Verification  
Counties shall document in the case record evidence used to verify the relationship of the caretaker relative to the child.
- .14 Types of Evidence  
Counties shall use the following evidence to verify the relationship of a child to the caretaker relative.
- .141 Acceptable Evidence  
Evidence includes:  
Adoption papers or records  
Baptismal records of birth and parentage  
Birth certificate  
Bureau of Vital Statistics or local government records of birth and parentage  
Census records  
Church records (including a statement from priest, minister, etc.) of parentage or relationship  
Court records of parentage  
Court support records

Day care center records  
Divorce papers  
Family Bible  
Hospital or public health records of birth and parentage  
Indian census records  
Insurance policy  
Juvenile court records  
Marriage licenses/ records  
Outpatient care records maintained by a hospital, clinic, or physician  
Paternity records maintained by a Child Support Agency  
School records  
Voluntary social service agency records

.142 No Evidence

If all efforts to obtain other evidence have failed, a sworn statement signed by the caretaker relative is acceptable when:

(A)

Evidence is not conflicting, and

(B)

The attempts to obtain verification are documented in the case record.

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.143 Conflicting Evidence

When evidence is conflicting, the principles of gathering evidence in Section 40-157 shall apply.

HANDBOOK ENDS HERE

.2 Determining the Caretaker Relative

The county shall determine who the caretaker relative is by reviewing actual circumstances in each case to determine who exercises care and control responsibility for a child.

.3 Care and Control Factors

The following factors shall be considered when determining responsibility for care and control. A single factor may not be determinative. The factors include, but are not limited to:

.31

Deciding where the child attends school or child care.

.32

Dealing with the school on educational decisions and problems.

.33

Controlling participation in extracurricular and recreational activities.

- .34 Arranging medical and dental care services.
- .35 Claiming the child as a tax dependent.
- .36 Purchasing and maintaining the child's clothing.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USCA 606, 45 CFR 206.10(a)(8), and 45 CFR 233.10(a)(1)(vii), 45 CFR 233.90, 45 CFR 233.90(c)(1)(iii) and (c)(1)(v)(A), Federal Register, Vol. 45, Page 58125, Sept. 2, 1980, 45 CFR 237.50(b)(2); SSA-AT-86-01; Sections 10553, 10554, 10604, 11203, and 11450, Welfare and Institutions Code.

12) Renumber Section 44-203.115(c) to Section 82-808.41 and amend to read:

82-808 CARETAKER RELATIVE REQUIREMENTS (Continued)

82-808

.4 Alternating Arrangements

The determination of the caretaker relative relationship, when the child stays alternately with different persons, shall be made as follows:

12Y.41 Less than One Month

If a child stays alternately for periods of one month or less with each of his/her parents who are separated or divorced, the caretaker relative shall be determined as follows:

12Y.411 Where Child Stays

In most circumstances, the parent with whom the child stays for the majority of the time shall be the caretaker relative. The temporary absence of the parent or the child from the home does not affect this determination ~~see Section 44-203.115(d) above~~.

(Aa)

The parent with whom the child stays for less than the majority of the time may be the caretaker relative, if that parent can establish that he/she has majority responsibility for care and control of the child ~~see Section 44-203.115~~.

12Y.412 Applying Parent

When the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities, the parent who applies for aid shall be the caretaker relative, providing that the child's other parent is not currently applying for or receiving aid for the child.

12Y.413 Equal Time

When each parent exercises an equal share of care and control responsibilities, and each has applied for aid for the child, the caretaker relative shall be determined in the following order:

(Aa)

The parent designated in a current court order as the primary caretaker for purposes of public assistance, under Civil Code Section 4600.5(h).

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Civil Code Section 4600.5(h) states:

In making an order of joint physical custody or joint legal custody, the court may specify one parent as the primary caretaker of the child and one home as the primary home of the child, for the purposes of determining eligibility for public assistance.

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(Bb)

When no court order designation exists and only one parent would be eligible for aid, the parent who would be eligible shall be the caretaker relative.

(C)

When both parents would be eligible, the parents shall designate one parent as the caretaker relative. The agreement shall be documented ~~or by a form designated by DSS~~ a CA 13.

(D)

If the parents cannot reach agreement on the designation of a caretaker relative, the parent who first applied for aid for the child shall be the caretaker relative.

14Y.414    Remains  
Caretaker

The parent who has been determined to be the caretaker relative of a child who stays with the other parent for alternating period of one month or less shall remain the caretaker relative while the child is with the other parent.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

13) Adopt Sections 82-808.42 and .5 to read:

82-808 CARETAKER RELATIVE REQUIREMENTS (Continued)

82-808

- .42 One Month or More When a child stays alternately for periods of one month or more with different persons who are not living together, the caretaker relative shall be determined as follows:
- .421 One Applicant The person who applies for aid and meets the requirements of a caretaker relative, or
- .422 More Than One Applicant When more than one person applies for aid and could meet the requirements of a caretaker relative, the caretaker relative shall be the person with whom the child stays on the first of each month for which aid is provided.
- .5 Number of Caretaker Relatives An AU may have more than one caretaker relative. However, an eligible child shall have only one caretaker relative at one time.
- .6 Minor Parent/Caretaker Relative A child who is a caretaker relative shall not be considered a child to establish eligibility for a senior parent.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 206.10 and 45 CFR 233.90(c)(1)(v) and (c)(2), and SSA-AT-86-1.

14) Adopt Section 82-812 to read:

82-812 TEMPORARY ABSENCE

82-812

- .1 Who Can Be Temporarily Absent Any member of an AU may be considered temporarily absent from the home.
- .2 Living With the Caretaker Relative A child is considered to be living in the home of a caretaker relative even though the child and/or the caretaker relative is temporarily absent from the home.
- .3 Care and Control The caretaker relative shall continue to exercise responsibility for care and control of the child.
- .4 Time Limitation There is no specific time limitation for determining whether an absence is temporary or permanent except as provided under Exceptions to Temporary Absence in this section.
- .5 Determining Factors The following factors shall be considered when determining temporary absence status. A single factor may not be conclusive.
- .51 Temporary Absence The factors include, but are not limited to:
- .511 Actual Situation The actual family circumstances (even if it is inconsistent with a court custody order).
- .512 Decision Making If the caretaker relative is involved in making the major and minor decisions regarding the child.
- .513 Ability to Return If the person has the ability to return or the caretaker relative has the ability to require the return of the child to the home.
- .514 Intent to Return If the person intends to return to the home.
- .515 Paying Costs If the person is contributing to the costs for the child's needs.
- .52 Exceptions to Temporary Absence Temporary absence does not exist when the person is considered permanently absent. Permanent absence includes, but is not limited to,
- .521 Continued Absence If the person is not in the home because of a factor that would result in continued absence.

.522 Institution

If the person is an inmate in an institution on the first of the month where he/she is expected to remain through the month.

.523 Child in Public Hospital

If a child on the first of the month is in a public hospital for two full calendar months, irrespective of the day on which he/she entered the public hospital.

.6 Documentation

The county shall document the factors on which the determination of temporary absence was based.

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.7 Examples of Temporary Absence

Temporary absence may include, but is not limited to:

.71

Hospitalization.

.72

Attendance at school or training. For example:

A child attends Job Corps training out-of-state. The caretaker relative retains responsibility for care and control of the child.

.73

Visiting or vacationing. For example:

A child goes to visit the father for the summer. The caretaker mother retains responsibility for care and control of the child and is consulted concerning the child's discipline, schooling, health, or medical needs, etc.

.74

Moving.

.75

Trips in connection with current or prospective employment, or

.76

Staying in a group home. For example:

A child is in a group home from Monday through Friday and resides with the mother on weekends. The group home does not receive AFDC-FC for the child. The mother is consulted concerning any emergency situations and any major health and welfare decisions concerning the child and has care and control of the child. Therefore, the mother remains the caretaker relative.

.8 Example of Exception to Temporary Absence:

.81

Temporary absence does not exist when:

A child goes to live with the father for the summer. The father has complete physical and legal custody of the child for three months. The mother is no longer involved in making decisions concerning the child's well-being. The mother cannot require that the child be returned to her home. The mother is not the caretaker relative in this situation.

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[Previous cite: 44-203.22(a)(3), 42-500]

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 233.10(a)(1), (a)(1)(iv), and 45 CFR 206.10 (a)(8); 45 CFR 233.90(c)(1)(v)(B) and Section 11269, Welfare and Institutions Code.

15) Adopt Section 82-820 to read:

<u>82-820</u>	<u>INCLUDED PERSONS</u>	<u>82-820</u>
<u>.1</u>	<u>Assistance Unit</u>	<u>An AU shall be established when all eligibility factors have been determined.</u>
<u>.2</u>	<u>Minimum Requirements</u>	<u>An AU shall have at least:</u>
	<u>.21 Child</u>	<u>One eligible child, or</u>
	<u>.22 Caretaker Relative</u>	<u>A caretaker relative of an SSI/SSP child, or</u>
	<u>.23 Pregnant Woman</u>	<u>A pregnant woman, or</u>
	<u>.24 Parent of GAIN Sanctioned Child</u>	<u>A parent of a child who is sanctioned by GAIN.</u>
<u>.3</u>	<u>Mandatory Inclusion</u>	<u>The AU shall include the following persons when living in the same home and eligible:</u>
	<u>.31 Applicant Child</u>	<u>The applicant child.</u>
	<u>.32 Siblings</u>	<u>Any eligible sibling or half-sibling of the applicant child who meets the age requirement.</u>
	<u>.33 Parents</u>	<u>Any parent, except for alternatively sentenced parents, of:</u>
	<u>.331</u>	<u>The applicant child, or</u>
	<u>.332</u>	<u>The applicant child's eligible siblings or half-sibling who meet the age requirement.</u>
<u>.4</u>	<u>Who Determines AU</u>	<u>The county shall determine who is mandatorily included and excluded from the AU. The county and the applicant/recipient shall determine whether or not an optional person will be included in the AU.</u>
<u>.5</u>	<u>Penalty</u>	<u>The county shall deny the application or discontinue AFDC when a mandatorily included person refuses to be included.</u>

[Previous Cites: 44-205.1, 44-205.4 and 44-205.51]

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USCA 606; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.10 (a)(1) and (a)(1)(iv); and 45 CFR 233.90; SSA-AT-86-01; Sections 10553, 10554, 10604, 11000, and 11450, Welfare and Institutions Code.

16) Adopt new Section 82-824 to read:

82-824 ASSISTANCE UNITS THAT SHALL BE COMBINED

82-824

.1 Combining AUs

Two or more AUs in the same home shall be combined into one AU when:

.11 Marriage

A caretaker relative is married to another caretaker relative in another AU, or

.12 Child in Common

Two caretaker relatives in the home have separate children and also have a child in common, or

.13 One Caretaker

There is only one caretaker relative.

[Previous Cite: 44-205.3]

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.90, 45 CFR 237.50(b)(5) SSA-AT-86-01, Section 242, California Civil Code; Sections 10553, 10554, 10604, 11000, and 11450, Welfare and Institutions Code.

17) Adopt Section 82-828 to read:

82-828    OPTIONAL PERSONS

82-828

.1 County Responsibility

.11 Identify Optional Persons

The county shall identify, for the applicant or recipient, any person living in the home who may be included in the AU.

.111

This shall be done at the time of application, redetermination, or at any other time the county is informed of a change in the number of persons living in the home.

.12 Effect on AU

The county shall explain to the applicant or recipient the effect of including or excluding the optional person. The applicant or recipient shall decide who is to be included.

.121

The explanation shall include a description of the AU composition which will result in the maximum aid to which the family is eligible, considering the income and resources of each person who may be included.

.2 Optional Persons

The following persons who are not otherwise required to be in the AU shall be included upon request of the applicant/recipient.

.21 Nonparent Caretaker Relatives

Any nonparent relative who has been determined to be the caretaker relative.

.22 Other Eligible Children

Any other eligible children, including, but not limited to, a niece or nephew.

.23 Essential Persons

Any essential person who meets the requirements of Section 44-209.3.

[Previous cite: 44-205.5, 44-203.3, 44-118.11]

Authority Cited: 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USCA 606(a) and (b)(1); 45 CFR 206.10(a)(1)(vii) and (a)(2)(i), 45 CFR 233.20(a)(2)(vi), and 45 CFR 237.50(b)(3)(i) and (b)(4)(i); SSA-AT-80-32 and SSA-AT-86-01; and Section 11203, Welfare and Institutions Code.

18) Adopt Section 82-832 to read:

82-832 EXCLUDED PERSONS

82-832

- .1 Person Who Is Excluded By Law A person excluded from the AU by law is a person who:
- .11 Child of AFDC-FC Child Is a child living with his/her minor parent who is receiving AFDC-FC.
- .12 Citizenship/ Alienage Does not meet the citizenship/alien status requirements.
- .13 Father of Unborn Is an unborn child's father who is living in the home with the pregnant woman and who is:
- .131  Not the parent or caretaker relative of an eligible child, or
- .132  Not an essential person.
- .14 Lump Sum Had his/her needs considered in determining a lump sum period of ineligibility as specified in Section 44-207.42.
- .15 Other Aid Receives SSI/SSP, Refugee Repatriate Payment (RRP), or AFDC-FC.
- .16 Sponsored Alien Is a sponsored alien whose needs are being met by a sponsoring agency or by a sponsor's deemed income.
- .17 Spouse of Eligible Child Is a spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common for whom deprivation exists.
- .2 Sanctioned Persons A person excluded from the AU due to a sanction, is:
- .21 Child/Spousal Support A parent, pregnant woman, or caretaker relative who refuses to assign support rights or fails to cooperate in the: identification and location of the absent parent; establishment of paternity; or enforcement of the support obligation as determined in Sections 43-106 and 43-107.1.

- .22 Citizenship A person who fails to cooperate in the verification of his/her citizenship or alien status.
- .23 GAIN A mandatory GAIN registrant who fails without good cause to meet GAIN program requirements; and:
- .231 When the registrant is a principal earner, the second parent is also ineligible unless he/she is participating in GAIN.
- .24 Social Security Number An applicant or recipient; or a child whose parent, caretaker relative, or legal guardian who:
- .241 Refuses to furnish or apply for a Social Security number, or
- .242 Fails to cooperate in securing or verifying a Social Security number.
- .25 Striking A striker who is not a caretaker relative.
- .26 UIB-Apply For/Accept An applicant or recipient who is not the principal earner and who:
- .261 Is apparently eligible to and does not apply for UIB; or
- .262 Does not accept any UIB to which EDD determines he/she is eligible.
- .27 UIB - Meet Conditions An applicant or recipient who is not the principal earner and who is not exempt from GAIN or EDD-JS, and fails without good cause to meet conditions of eligibility for UIB.

[Previous cite: 44-206]

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11263.5, 11268, 11270, 11315, 11320.6(e), 11450 and 11477, Welfare and Institutions Code.

19) Adopt Section 82-836 to read:

82-836 FEDERAL AFDC PROGRAM FOR PREGNANT WOMEN

82-836

.1 AU of One

An AU of one without an eligible child shall be established when a pregnant woman, regardless of age, meets all of the following conditions:

.11 Verification

Medical verification of pregnancy is provided to the county, and

.12 Eligibility

The pregnant woman and unborn child, if born and living with the mother, would be eligible for federal AFDC in the payment month, and

.13 Duration of Pregnancy

The pregnancy has reached the three-month period before the month of anticipated birth (see State AFDC For Pregnant Women), and

.14 No Other AU Eligibility

The pregnant woman could not be included in another AU.

HANDBOOK BEGINS HERE

.2 Pregnancy Special Need

A pregnant woman may be eligible to receive a pregnancy special need payment.

HANDBOOK ENDS HERE

[Previous cite: 44-205.6]

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 233.10(a)(1) and (a)(1)(iv), 45 CFR 233.90(c)(2)(iv), and 45 CFR 206.10(a)(1)(vii); and Section 11450(b), Welfare and Institutions Code.

20) Adopt Chapter 88-400 and Section 88-410 to read:

88-400 STATE-ONLY AFDC

88-400

88-410 STATE AFDC FOR PREGNANT WOMEN

88-410

.1 AU of One

A State-only AU of one without an eligible child shall be established when a pregnant woman (regardless of age) meets all of the following conditions:

.11 Verification

Medical verification of pregnancy is provided to the county, and

.12 Eligibility

The pregnant woman and unborn child, if born and living with the mother, would be eligible for AFDC in the payment month, and

.13 No Federal Eligibility

The pregnant woman is not eligible for federal AFDC, and

.14 No Other AU Eligibility

The pregnant woman could not be included in another AU.

HANDBOOK BEGINS HERE

.2 Pregnancy Special Need

A pregnant woman may be eligible to receive a pregnancy special need payment.

HANDBOOK ENDS HERE

[Previous cite: 44-205.6]

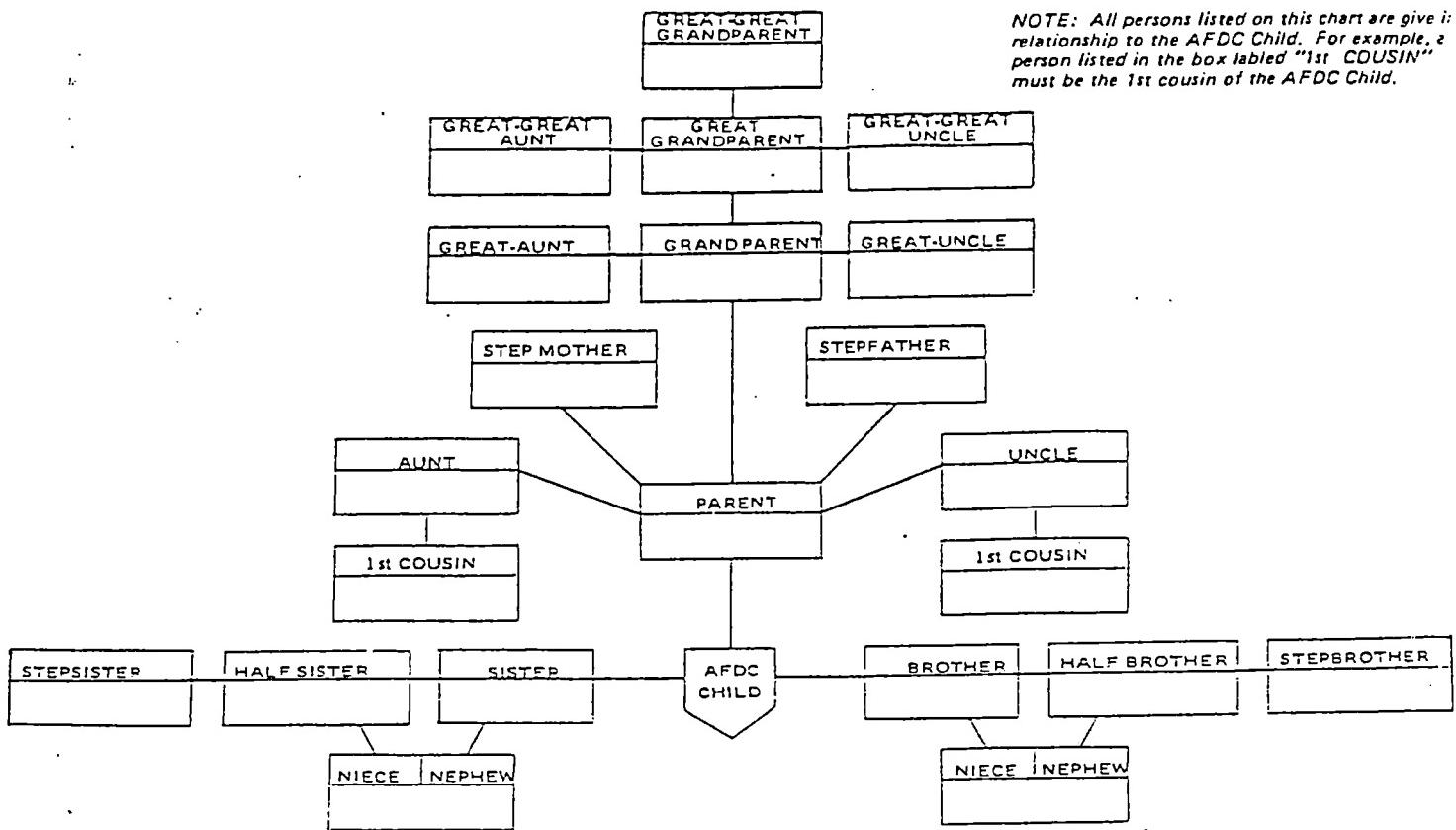
Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11450(a) and (b), Welfare and Institutions Code.

## APPENDIX A

### HANDBOOK

#### CHART FOR DETERMINING RELATEDNESS OF CARETAKER RELATIVES



- 1) The caretaker relative also includes the spouse or former spouse of the relatives listed above.
- 2) The caretaker relative also includes the adoptive parents and their relatives as listed above.

END OF HANDBOOK

21) Repeal Sections 40-103.5, .7, and .84:

40-103 DEFINITIONS AND DESIGNATIONS - GENERAL

40-103

.1 (Continued)

.2 (Continued)

.3 (Continued)

.4 (Continued)

.5 Applicant ++ The applicant is the individual, family, or child making for or on whose behalf is made a new application for aid, a request for restoration of aid or a reapplication.

.6 (Continued)

.7 County or County Department ++ as used in these regulations means "County Welfare Department" unless otherwise designated.

.8 Aid Programs (Continued)

.84 Aid to Families with Dependent Children ++ to provide financial aid for children who lack financial support and care, to protect and preserve the family unit as the key to sound growth and development of children, to rehabilitate or to provide the opportunity for rehabilitation of the family whenever possible and to make available to children who cannot live in their own homes, the kind of care and treatment best suited to their needs. AFDC is the designation for this program.

.841 AFDC-FG is aid to families with dependent children in a family group in which the child is deprived because of the absence, incapacity or death of either parent.

.842 AFDC-U is aid to families with dependent children in a family group in which the child is deprived because of the unemployment of a parent living in the home.

.843 AFDC-FG Aid to Families with Dependent Children /Foster Care means the aid provided on behalf of needy children in foster care.

.85 (Continued)

.86 (Continued)

.9 (Continued)

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, and 11056, Welfare and Institutions Code; and 45 CFR 206.10(a)(1)(ii) and Welfare and Institutions Code Section 11056.

22) Repeal Sections 40-125.24, .25, .32, .33, and .34:

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS  
AND RESTORATIONS

40-125

.1 (Continued)

.2 Definitions (Continued)

~~.24 County C -- County from which the individual was admitted to an institution.~~

~~The county in which the individual was living at the time of his admission to the institution is considered to be the county from which he was admitted to the institution. This is presumed to be the county in which he was physically present at the time of his admission to the institution. This presumption may be overcome by evidence he was, in fact, living in a county other than the county of physical presence at the time of his admission to the institution. (See .3 below.)~~

~~.25 Medical Facility -- As used herein means an intermediate care facility, a nursing home or hospital, including a facility licensed by the Department of Health for the care of the mentally ill, or mentally retarded. (Section 40-189.123.)~~

.3 Determining County of Responsibility -- County Where Applicant Lives (Continued)

~~.32 Applicant Who Is An Inpatient or a Former Inpatient in a State Hospital~~

~~An applicant who is an inpatient in a state hospital or has been released from inpatient status in such a hospital for a period of less than three years is considered to "live" in County "C" subject to the limitations set forth in Sections .321 and .322 below.~~

~~Except as provided in Section .322 below, the three years referred to herein start on the day following the inpatient's release from the hospital and this period is not considered to be interrupted by a temporary period of rehospitalization in a state hospital which is for ten days or less.~~

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At the termination of such three-year period following release from the state hospital, the county in which such individual "lives" is determined in the same manner as for any other person and without regard to his period of hospitalization in the state hospital.

- .321 If an applicant was discharged from the state hospital prior to July 1, 1969, the county in which he is considered to "live" is determined in the same manner as for any other applicant and without regard to his period of hospitalization in the state hospital.
- .322 An applicant who was released from a state hospital on leave of absence prior to July 1, 1969, is considered to "live" in County "C" for as long as he remains on leave of absence. If the leave of absence is terminated and he is discharged on or after July 1, 1969, it is considered that he continues to live in County "C" for a three-year period following the date of his discharge from the hospital.
- .33 Applicant Who Is An Inpatient In a Public or Private Institution Other Than a State Hospital  
  
An applicant who is an inpatient in a public or private institution (see Section 42-503) not mentioned in .32 above is considered to "live" in County "C" for as long as he remains on inpatient status.
- .34 Applicant Receiving Care in Medical Facility in County B  
  
An applicant who has had to secure an is currently receiving care in a medical facility outside of County A, because such care was not reasonably available to him in County "A" is considered to "live" in the county in which he last maintained a living arrangement outside a medical facility.  
  
When the applicant in a medical facility is a former patient in a state hospital, the county in which he is considered to "live" is determined as provided in Section .32 above.

.35 (Continued)

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration; Section 11349, Government Code; and Sections 10553, 10554, 10604 and 11023.5, Welfare and Institutions Code.

23) Repeal Section 40-189.11:

40-189 RECIPIENT MOVES TO ANOTHER COUNTY  
TO "MAKE HIS HOME"

40-189

.1 Definitions (Continued)

*III Recipient*

A recipient, as used in this section, includes a cash grant recipient or a person certified as medically needy under the same program.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

24) Repeal Section 41-403.1:

41-403 DEFINITION OF A PARENT

41-403

11 Definition of Parent

"Parent" means either the father or the mother, natural or adoptive, whether married or unmarried. Deprivation is based on the person presumed to be the legal parent unless repudiated by a statement of the mother or a court order. Deprivation of an adopted child is based on the status of adoptive parents and not on that of the natural parents.

.2 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

25) Repeal Sections 41-703.21 and .23:

41-703 STRIKER ASSISTANCE PROGRAM (Reyna v. McMahon)  
(Continued)

41-703

.2 Definitions Specific to the Strikers' Assistance Program.  
(Continued)

.21 A *strike* is defined as any concerted stoppage of work by employees including a stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees, except as specified in section 41-703.221.

.22 (Continued)

.23 A *striker* is defined as an applicant or recipient who, on the last day of the month, is participating in a strike as defined in sections 41-703.21 and .221.

.24 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

26) Repeal Section 42-503:

~~CHAPTER 42-500 INSTITUTIONAL STATUS~~

~~42-503 DEFINITIONS~~

42-503

~~.1 Institution~~

An institution is a public or private facility which provides shelter and care, treatment of physical or mental illness, custody (nonmedical) or restraint (penal or correctional). An institution may be a hospital, nursing home, intermediate care facility, board and care home (for AFDC, licensed for more than six children), prison or other correctional facility.

~~.2 Public Institution~~

A public institution is a facility which is:

- ~~.21 managed wholly or partially by a unit of government or,~~
- ~~.22 maintained from public funds.~~

~~.3 Private Institution~~

A private institution is either a proprietary, nonprofit, fraternal, or benevolent facility managed and controlled by an individual, association, or corporation.

A publicly owned institution, use of which has been transferred by official action or by lease to a private individual or group, is considered a "private institution" provided the day-by-day administration of the institution is controlled by the tenant subject only to such governmental controls as are applicable to other private institutions for adults, i.e., health and fire regulations and a licensing system that establishes standards and conditions of operation.

~~.4 (Repealed by Manual Letter 77-001.)~~

~~.5 Medical Institution~~

A medical institution is any public or private hospital, nursing home, intermediate care facility, or other medical facility which is licensed or formally approved as a hospital, nursing home or intermediate care facility by an officially designated State standard-setting authority and is certified to receive patients for inpatient care under the Medi-Cal program. Subject to this requirement a medical

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institution includes public or private general hospitals, tuberculosis hospitals and hospitals for the mentally ill or mentally retarded. A federal hospital is also classified as a medical institution though not eligible to participate in the Medi-Cal program.

.51 Public Hospital

A public hospital is an institution licensed or formally approved as a hospital by an officially designated State standard-setting authority for study, diagnosis, treatment of physical, emotional, or mental conditions, care of injured, disabled or sick persons, and which is supported from public funds, and is managed and controlled by a unit of government.

.52 Private Hospital

A private hospital is an institution licensed or formally approved as a hospital by an officially designated State standard-setting authority for study, diagnosis, treatment of physical, emotional, or mental conditions, care of injured, disabled or sick persons, licensed or exempted from licensure pursuant to the provisions of the Health and Safety Code.

.6 Patient

.61 A patient is an individual who is in need of and receiving individualized professional services directed by a licensed practitioner of the healing arts toward maintenance, improvement, or protection of health or alleviation of disability or pain.

.7 Inmate

.71 An inmate is a person who is not a "patient" but is living in or is otherwise being cared for in either a medical or nonmedical institution. However, a person attending an educational or vocational training institution where living in the institution is incidental to the purpose of securing education or training, or is in the institution for a temporary emergency period pending other arrangements appropriate to his needs, is not considered an inmate in such institution.

A person who is a convicted offender permitted to live at home while serving a court imposed sentence by performing unpaid public work or unpaid community service during the workday does not meet the

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~~regulatory definition of an "inmate" because he/she is not living in or otherwise being cared for by an institution.~~

.72 An inmate is a child who is living in a public institution on court commitment or without a definite plan for his removal within the current or following month (Juvenile Detention or CYA).

A child is not an inmate if he is attending school in a public educational or vocational training institution wherein living in the institution is incidental to the training program.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration, and Sections 10553, 10554, 10604 Welfare and Institutions Code.

27) Repeal Sections 42-505, 42-509, and 42-513:

42-505 ELIGIBILITY IN A PUBLIC INSTITUTION		42-505
R E P E A L	.1 Nonmedical and Noncertified Medical Institutions	
	.11 (Repealed by Manual Letter 77-001.)	
	.12 A child or parent who is an inmate in a public institution becomes ineligible as of the last day of the month he enters the institution.	
	Aid may be granted for a child and his parent for the purpose of establishing or reestablishing a home, when the child or his parent is in a public institution or a public hospital and when there is a plan for the release of that child or parent within the month.	
R E P E A L	.2 Public Medical Institution or Intermediate Care Facility	
	.21 Parent in a Public Hospital	
	The parent who is a patient in a public hospital remains eligible for inclusion in the family budget unit as long as there is a medical reason for hospitalization.	
	.22 Child in a Public Hospital	
	The child who is a patient in a public hospital remains eligible if he is a patient on a temporary basis. He is considered to be receiving temporary care if on the first of the month for which payment is due he has not been in the hospital for two full calendar months, irrespective of the day on which he entered.	
42-509 ACCEPTABLE EVIDENCE OF ELIGIBILITY IN A PUBLIC HOSPITAL OR INSTITUTION		42-509
R E P E A L	When a parent or child enters a public hospital or public institution, evidence is required to enable the county to determine whether or not the person is eligible and, if eligible, the period of eligibility.	

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42-513 ELIGIBILITY IN A PRIVATE HOSPITAL OR INSTITUTION 42-513

The child who is a patient in a private hospital remains eligible for aid, and a parent who is a patient in a private hospital remains eligible for inclusion in the family budget unit as long as there is a medical reason for hospitalization.

An otherwise eligible child is eligible to receive aid while in a private institution.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.60, Section 3510 (October 1961), Federal Handbook of Public Assistance Administration, and Sections 10553, 10554, 10604 Welfare and Institutions Code.

28) Repeal Section 43-103.1 and .2:

43-103 DEFINITIONS FOR PURPOSES OF SUPPORT  
RESPONSIBILITY

43-103

/1 Parents

The natural parents, married or unmarried, are the parents of the child unless the child has been adopted. The adoptive parents are the parents thereafter.

/2 Minor Parents

A minor parent is a parent who is less than 18 years of age.

.3 (Continued)

.4 (Continued)

.5 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

29) Repeal Section 43-119.11:

43-119 SPONSORED ALIENS

43-119

.1 Sponsored Alien - Definition (Continued)

.11 A sponsored alien is an alien whose entry into the United States was sponsored by a person, or any public or private agency or organization who, as part of this sponsorship, executed an affidavit of support or similar agreement on behalf of the alien (who is not the child of the sponsor or of the sponsor's spouse) as a condition of the alien's entry into the United States.

.12 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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and .712

30) Repeal Sections 44-133.5 and .711:

44-133 TREATMENT OF INCOME -- AFDC

44-133

.1 (Continued)

.2 (Continued)

.3 (Continued)

.33 (Continued)

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.334 (Continued)

1333 The Simpson v. McMahon court order prohibits the counting of income of a child when the family chooses to exclude the child from the assistance unit. (See Handbook Section 40-118/111 and ACL 88-041Y)

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.4 (Continued)

.5 Income of a Mother in a Maternity Home

All net income received by or on behalf of a mother in a maternity home shall be considered income to the mother.

.6 (Continued)

.7 Income in Cases Where the Senior Parents or Legal Guardians Reside in the Home with a Minor Parent.

.71 Definitions

For purposes of this section the following definitions shall apply:

1711 A Minor Parent is a parent who is less than 18 years of age. The term minor parent also includes a pregnant woman less than 18 years of age who has no other children in the home.

1712 A Senior Parent is the natural or adoptive parent of a minor parent.

.713 (Continued)

.714 (Continued)

.8 (Continued)

.9 (Continued)

.10 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.90(c)(2)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

31) Repeal Section 44-201:

CHAPTER 44-200 FBU COMPOSITION AND NEED

44-201 CHAPTER CONTENTS

44-201

This chapter includes:

- a. Description of persons who may be included in the Family Budget Unit (FBU) (Section 44-203).
- b. Description of circumstances under which these persons can be included (Section 44-205).
- c. Description of circumstances under which these persons are to be excluded (Section 44-206).
- d. The method of determining whether an FBU is financially eligible for AFDC (Section 44-207).
- e. An identification of the groups of aided persons for claiming federal financial participation (Section 44-209).
- f. The circumstances under which FBU can receive a payment for recurring and nonrecurring special needs (Sections 44-211 and 44-267).
- g. Description of medical needs which the FBU may have (Section 44-213).
- h. Description of how to handle persons who do not meet requirements for inclusion in the FBU (Section 44-215).
- i. A method for assessing substandard housing (Section 44-217).
- j. An outline of minimum needs of a child in foster care (Section 44-221) including mothers in maternity homes (Section 44-223).
- k. Description of special needs in foster care (Section 44-267).

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

32) Repeal Sections 44-203.1 and .115(a) and (b):

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU -  
DEFINITIONS (Continued)

44-203

11 ELIGIBLE CHILDREN

- 111 An eligible child is a child, including a child whose caretaker relative has selected AFDC/FB/ where eligibility also exists for AFDC/FC, who is:
- 1111 A member of an income eligible FBU (see 44-207 financial eligibility) and is;
- 1112 Deprived of parental support and care, (see chapter 41-400 Deprivation of Parental Support of Care) and is;
- 1113 Under 18 years old or 18 years old who meets the requirements of section 42-101/2 and is;
- 1114 Living in the home of a caretaker relative/
- 114 The home of a caretaker relative is a family setting maintained or in the process of being established. A home exists so long as the relative assumes responsibility for the day-to-day care and control of the child.

An eligible child is considered to be living in the home of a caretaker relative even though the child and/or the relative is temporarily absent from the home. However, the caretaker relative must continue to have responsibility for the care and control of the child during the temporary absence. (See section 44-203/211)

Temporary absences include hospitalization, attendance at school, visiting, vacationing, touring, trips made in connection with current or prospective employment, and similar situations. (See section 43-302/23 for child temporarily absent from an AFDC/FB eligible facility)

(b) An eligible child is also considered to be living in the home of a caretaker relative where the child would be physically present in the home except for circumstances that require granting assistance to the relative for up to thirty days prior to the child's arrival in the relative's home from placement in a foster home or institution (see Section 447.271, Special Needs for Children in Foster Care).

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.90(c)(2)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

33) Repeal Section 44-203.12:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU -  
DEFINITIONS (Continued)

44-203

11 ELIGIBLE CHILDREN (Continued)

112 An eligible child who is also the principal earner for purposes of receiving aid for his or her own child must meet the requirements of EAS Section 41440 of Chapter 41800, as appropriate.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

34) Repeal Section 44-203.21, .211, .212, and .22:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU -  
DEFINITIONS (Continued)

44-203

.2 Caretaker Relatives (Continued)

- /22 A caretaker relative is the person in the home responsible for care and control of, or an eligible child or by an otherwise eligible children who is receiving SSI/SSP (see section 44-203.218 above).
- /211 When determining who the caretaker relative is, the county shall review the actual circumstances in each case in determining which person exercises care and control responsibilities for a child.
- /212 When a question exists regarding caretaker status, various factors are to be considered such as: the extent to which a person decides where the child attends school; deals with the school on educational decisions and problems; controls participation in extracurricular and recreational activities; arranges medical and dental care services; claims the child as a tax dependent; and purchases and maintains the child's clothing. Other similar actions shall also be considered. A single action may not be determinative.
- .213 (Continued)
- /22 The caretaker relative of an eligible child must be one of the following:
- /221 The father/ mother/ brother/ sister/ half brother/ half sister/ uncle/ aunt/ first cousin/ nephew/ niece, or any such person of a preceding generation denoted by the prefixes grand/ great/ greater/ great.
- /222 The stepfather/ stepmother/ stepbrother/ or stepsister/
- /223 The spouse of any person named in /221 or /222 even after the marriage has been terminated by death or dissolution.

For AFDC purposes, when a parent's rights to a child are terminated by the filing of a relinquishment with the Department or by court action, that parent and his or her relatives are no longer considered to be the child's relatives. When an eligible child has been adopted, the relatives specified above shall be the adoptive relatives of the child.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

35) Repeal Section 44-203.3:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU -  
DEFINITIONS (Continued)

44-203

13 OTHER RELATIVES LIVING IN THE HOME OF AN ELIGIBLE CHILD

131 OTHER RELATIVES INCLUDE:

1311 SECOND MARRIED OR UNMARRIED PARENT (NATURAL OR  
ADOPTIVE)/

1312 STEPPARENTS WHO ARE:

a/ UNEMPLOYED (SEE SECTION 41440/110 FOR  
DEFINITION OF UNEMPLOYMENT)

b/ THE SPOUSE OF AN ELIGIBLE CHILD'S NATURAL  
OR ADOPTIVE PARENT WHEN THE BASIS OF  
DEPRIVATION IS THE INCAPACITY OF A NATURAL  
OR ADOPTIVE PARENT/

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

36) Repeal Sections 44-205.1 and .2:

44-205 ESTABLISHING THE FBU

44-205

.1 General

When AFDC is requested for a child or for the needy relative(s) of an otherwise eligible child(ren) who is receiving SSI/SSP the determination of who is included in the FBU is made by the county and the caretaker relative of the child.

.2 Determining the Caretaker Relative(s)

.21 When an applicant for AFDC submits the Form CA 2, it includes the names of all potentially eligible children living in the home. The first step in establishing the FBU is to determine the caretaker relative(s) of the children. It is necessary to identify the caretaker relative(s) in order to determine if there will be one or more FBUs (see Section 44-203.21 Definition of Caretaker Relative above).

.211 Generally, if the child is living with a parent, the parent is the caretaker relative. If the child is not living with a parent, generally the applicant will be the caretaker relative. The county must make a determination of what person or persons have responsibility for the care and control of the children for whom aid is requested based on information supplied by the applicant.

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 250.34(c)(3), and Sections 10553, 10554, 10604, and 11327.5(c)(3), Welfare and Institutions Code, and AB 712/ Chapter 1388/ Statutes of 1990.

37) Repeal Sections 44-205.3:

44-205 ESTABLISHING THE FBU (Continued)

44-205

.3 Determining the Number of FBUs in the Home

.31 Once the county has determined which person or persons in the home is a caretaker relative, it is possible to establish the FBU. All of the eligible child(ren) will be in one FBU if there is only one caretaker relative in the home. If there is more than one caretaker relative in the home, the eligible children of each caretaker will be in separate FBUs, except in the following situations:

.311 Only one FBU is established where the caretaker relative is a parent who could be included as an eligible child in the FBU of another caretaker relative in the home. (Deprivation for all the eligible children must be established per EAS Chapter 41-400.)

Example: A common example would be when a daughter in her parent's FBU has a child and aid is requested on behalf of that child. If the daughter continues to meet all other eligibility requirements as a child in her parent's FBU and her child is otherwise eligible, then her child is added to the existing FBU. This applies even if the father of the daughter's child is living in the home so long as deprivation continues to exist. When the otherwise eligible father of the daughter's child is living in the home he must be added to the existing FBU as the second parent of an eligible child (Section 44-205.412).

.312 Only one FBU is established where two caretaker relatives in the home have separate children and also have a child in common for whom aid is requested.

.313 Only one FBU is established where the two caretaker relatives in the home are married to each other and have separate children.

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.314 Only one FBU is established when a pregnant woman in the home can be included as an eligible person in an existing or applicant FBU. See .64 for establishing an FBU for a pregnant woman who cannot be included in an existing or applicant FBU.

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 250.34(c)(3); Federal Action Transmittal SSA-AT-86-01, and Sections 10553, 10554, 10604, and 11327.5(c)(3), Welfare and Institutions Code, AB 3121 Chapter 1388, Statutes of 1990.

38) Repeal Sections 44-205.4:

44-205 ESTABLISHING THE FBU (Continued)

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4 Persons Who are Required to be Included in the Assistance Unit (AU)

.41 Every AU shall include at least one eligible child or pregnant woman with the following exceptions: when the only otherwise eligible child in the home must be excluded due to receipt of SSI/SSP (see Section 44-206.1(a)), or is being sanctioned under Section 42-786, that child shall be considered the basis for establishing an AU for the needy relative(s) when the child meets the criteria specified in Section 44-203.1. The AU shall also include the following persons living in the home, except as specified under Section 44-205.42:

- .411 The natural or adoptive parent who is the caretaker relative of the child(ren); and
  - .412 The eligible child's second married or unmarried natural or adoptive parent; and
  - .413 Every eligible natural or adoptive brother, half-brother, sister, or half-sister of the child for whom aid is requested, unless the brother or sister is a member of a different FBU per Section 44-205.31.
- .42 When a person who is required to apply for aid under Section 40-118 and who is otherwise eligible to be included in the FBU under .41 above, wishes to decline assistance, that person shall be excluded from the FBU. However, his/her income and resources shall be considered. See Sections 44-133.3, 44-207.21 and 44-207.3 for treatment of his/her income for grant computations and income eligibility. See Chapter 42-200 provisions for treatment of his/her resources.

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- .43 The Simon v. McMahon court order prohibits the counting of income and property of a child when the family chooses to exclude the child from the assistance unit. (See Handbook Section 40-118.111 and ACL 86-04.)

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Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 206.10(a)(1)(vii) and 250.34(c)(3); Federal Action Transmittal SSA-AT-86-01; and Sections 10553, 10554, 10604, and 11327.5(c)(3), Welfare and Institutions Code/ AB 712/ Chapter 1388/ Statutes of 1990; and Simon v. McMahon, Stipulation for Dismissal and Order, April 21, 1989, Contra Costa Superior Court, No. 272468.

39) Repeal Sections 44-205.5:

44-205 ESTABLISHING THE FBU (Continued)

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.5 Persons Who May be Included in the FBU

.51 Additional relatives living in the home may be included in the FBU on request of the applicant or recipient.

At the time of application, redetermination, or at any other time the recipient informs the county of any other relatives in the home, the county shall identify for the applicant or recipient which additional relatives in the home may be included in the FBU, and the county shall advise the applicant or recipient of the effect of including or excluding such relative(s). This advice shall include a description of the FBU composition which will result in the maximum aid to which the family is eligible (considering the income and resources of each person who may be included). The following relatives shall be excluded upon request of the applicant or recipient in the FBU unless excluded pursuant to Section 44-206.1:

.511 Other related eligible children.

.512 The caretaker relative who is not a parent.

.513 Stepparents who are:

(a) unemployed (see Section 41-440.1(a) for definition of unemployment).

(b) the spouse of an eligible child's natural or adoptive parent when the basis of deprivation is the incapacity of a natural or adoptive parent.

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 250.34(c)(3), and Sections 10553, 10554, 10604, and 11327.5(c)(3), Welfare and Institutions Code/ and AB 3121 Chapter 1388/ Statutes of 1990.

40) Repeal Sections 44-205.61, .62, and .64:

44-205 ESTABLISHING THE FBU (Continued)

44-205

.6 Aid Based on Pregnancy (Continued)

- 181 In determining eligibility for AFDC and the pregnancy special need payment, and for determining FBU composition, the term "pregnant woman" includes a pregnant child.
- .62 (Continued)
- .63 (Continued)
- 184 An FBU of one without an eligible child may be established for a pregnant woman who meets all of the following conditions:
- 1841 The pregnant woman and the unborn child, if born and living with the mother, would be eligible for AFDC in the month of payment.
- 1842 The woman has provided medical verification of pregnancy to the county.
- Medical verification is a written statement from a physician or physician's assistance or by an authorized member of the physician's staff with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated due date.
- 1843 The pregnant woman could not be an eligible person in an existing or applying FBU.
- 1844 When the deprivation of the pregnant woman other person FBU is state-only AFDC/FU, the limitations in EAS Chapter 41-800 apply.

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 250.34(c)(3); and Sections 10553, 10554, 10604, and 11327.5(c)(3), Welfare and Institutions Code, AB 3121 Chapter 1588, Statutes of 1990.

- 41) Repeal Sections 44-206.1(a), (b), (c), (d)(1), (d)(2), (d)(4), (e), (g), (h), (i), (j), (k), (l), (m) and renumber (d) to (a), (d)(3) to (a)(1), and (f) to (b) and amend .1 to read:

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) 44-206

- .1 The following persons shall be excluded from the assistance unit ~~even if it would be appropriate to include them under sections 44-208/4 or 181~~:

- (a) A person who receives SSI/SSP/ RDP/ RDA/ or AFDC/FCA/
- (b) The order and stipulated judgment in the ~~parties in the nomination court case prohibits the department and the counties from applying MPP 44-208/11A to the extent that the regulation excludes income supportive services (ISSY) recipients from receiving AFDC. The order specifically requires that the disqualifying reference to ISSY at MPP 44-208/11A be disregarded when determining an individual's eligibility for AFDC. See Attachment Letter No/ 88-121/Y~~
- (c) A person who refuses to furnish or cooperate in securing a social security account number for himself or herself pursuant to section 40-108/21. If the parent/ caretaker relative/ or legal guardian refuses on behalf of a child in his or her care/ exclude such child/
- (d) A child living with a minor parent who is a recipient of AFDC/FCA/
- (da) A person who is being sanctioned for any of the following reasons:
- (d) A parent/ pregnant woman/ or needy caretaker relative who refuses to assign support rights/
- (d) A parent/ pregnant woman/ or needy caretaker relative who refuses to cooperate in the identification and location of the absent parent/ establishment of paternity/ and enforcement of the support obligation as determined in section 43-107/11 (cooperation requirements)

(31) (Continued)

- (x) A caretaker relative of a registered child who fails to meet AFDC program requirements without good cause (see section 42-788).
- (x) A person who refuses to cooperate in the verification of his/her citizenship or alien status (see section 42-433.1y)
- (fb) (Continued)
- (x) A child for whom a caretaker relative has selected aid under the AFDC-FP program (see section 43-202/212/214y)
- (x) The spouse of an eligible child living in the eligible child's home, when there is no child in common for whom deprivation exists and aid is requested.
- (x) The sponsor of an alien whose total needs are being met by a sponsoring agency (section 43-119.3y) or by a sponsor's dependents (section 44-133.10y)
- (x) The father of an unborn child who is not the parent of the caretaker relative of another eligible child and who is living in the home with the pregnant woman.
- (x) A person who has received three months of state-only AFDC program benefits in any 12 consecutive-month period, and is not eligible for other AFDC programs.
- (x) Any applicant or recipient registered in accordance with section 42-628 who without good cause does not meet all conditions of eligibility for VIB (see section 44-103/117y)
- (x) Any applicant or recipient who does not apply for or accept any VIB to which EDD determines he/she is eligible (see section 44-103/117y)

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I) and (II); Section 202(a), Public Law 100-485; 45 CFR 244.0(c) and 250.34(c)(1) and (2); and Sections 10553, 10554, 10604, and 11327.5(c)(1), AB 372/ Chapter 1388/ Statutes of 1990/ Welfare and Institutions Code.

42) Repeal Sections 44-206.211, .23, .24, and .25:

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) (Continued) 44-206

.2 (Continued)

.21 (Continued)

121 A strike includes any concerted stoppage of work by employees including a stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees, except as specified in 123 below.

.22 (Continued)

123 The federally eligible AFDC principal carrier does not apply for or accept WIB (see Section 41440/24) when referred by the county welfare department.

124 The state-only AFDC principal carrier does not apply for, meet all conditions of eligibility for, and accept WIB (see Section 41780/1).

125 An individual in the assistance unit or a nonresident caretaker relative refuses to cooperate in a quality control review.

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I) and (II); Section 202(a), Public Law 100-485; 45 CFR 244.0(c) and 250.34(c)(1) and (2); and Sections 10553, 10554, 10604, and 11327.5(c)(1), ~~AB 312/ Chapter 1881 Statutes of 1990~~, Welfare and Institutions Code.

43) Repeal Section 44-267:

44-267 SPECIAL NEED PAYMENT FOR CHILD'S RETURN HOME  
FROM FOSTER CARE

44-267

11 FOR PAYMENT TO THE CHILD'S OWN CARETAKER

ITEMS WHICH ARE PREREQUISITE TO RETURN OF THE CHILD TO HIS OWN HOME, SUCH AS TELEPHONE, ESSENTIAL FURNITURE, HOUSEHOLD EQUIPMENT AND SUPPLIES, SHALL BE ALLOWED WHEN THE SERVICES PLAN IS FOR THE CHILD TO BE RETURNED TO THE HOME WITHIN 30 DAYS AND ELIGIBILITY FOR AFDC-FAMILY GROUP WILL EXIST. AMOUNTS SHALL BE ALLOWED SUBJECT TO LIMITATIONS APPLICABLE WHEN THE ITEM IS ALLOWED TO AN AFDC-FAMILY GROUP.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

44) Repeal Section 44-317.9

44-317 BEGINNING DATE OF AID (Continued)

44-317

19 Aid restored for child following release from public institution

191 If aid is restored for a child following his release from a public institution, aid does not begin prior to the date he leaves the institution except that

192 If aid is restored for a child in accordance with Section 427503/121 Eligibility for purposes of establishing a home, the initial payment may precede the child's departure from the public institution.

193 If aid begins on the first day of a month, payment is made for the full month.

194 If aid begins after the first of a month, payment covers only the portion of the month for which aid is granted, including the beginning date of aid.

Authority Cited: Sections 10553, 10554, 10604, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, and 11056, Welfare and Institutions Code; and 45 CFR 206.10, and 233.10(a)(1), and 233.60; Section 3510 (October 1961), Federal Handbook of Public Assistance Administration.

45) Amend Section 40-105.23 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY  
(Continued)

40-105

.2 Social Security Number (SSN)

.21 (Continued)

.22 (Continued)

.23 An applicant/recipient is ineligible for aid if he/she refuses to comply with the requirements of .21 above. Where the refusal relates to an otherwise eligible child, that child is ineligible for aid. (See Section ~~44-206/13~~ 82-832.24.)

.24 through .27 (Continued)

Authority Cited: Sections 10553, 10554, 10604, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11266, and 11268, Welfare and Institutions Code; and 45 CFR 233.10(a)(1)(iv).

46) Amend Section 40-115.22 to read:

40-115 THE APPLICATION PROCESS (Continued)

40-115

.2 Steps in the Application Process (Continued)

.22 Exploration of Eligibility

The applicant will be given a Statement of Facts (CA JA 2) to complete and sign under penalty of perjury. Acceptable evidence must be obtained concerning the linking and nonlinking factors of eligibility (See each Eligibility Chapter for what is acceptable evidence.) When such evidence does not exist, the applicant's sworn statement under penalty of perjury will be considered sufficient, except in the areas of verification of U.S. citizenship or alienage status and/or medical verification of pregnancy. See Section 42-433 for verification of citizenship or eligible alien status and ~~447203/28~~ 80-300(m)(2) for verification of pregnancy. (Continued)

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(1)(ii) and Sections 10553, 10554, 10604, and 11056, Welfare and Institutions Code Section 11038.

47) Amend Section 40-117.21 to read:

40-117 WHO MAY APPLY (Continued)

40-117

.2 Right to Initiate an Application for AFDC (Continued)

.21 A guardian or relative with whom the child resides  
(See Section ~~44-207/22~~ 82-808).

.22 (Continued)

.23 (Continued)

.24 (Continued)

.3 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

48) Amend Section 40-181.241(c) to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF  
ELIGIBILITY (Continued)

40-181

.2 Periodic Determination of Eligibility (Continued)

.24 Criteria for Evaluating Information Reported on the  
CA 7

.241 For AFDC purposes, a CA 7 is complete when all  
of the following requirements are met:

(a) (Continued)

(b) (Continued)

(c) The CA 7 shall be signed by each natural  
or adoptive parent or aided spouse of a  
parent or other caretaker relative living  
in the home, unless an individual so  
specified is temporarily absent from the  
home (see Section ~~44-203/113~~ 82-812); and  
(Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and  
Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and  
Institutions Code.

49) Amend Section 41-440.24 to read:

41-440 FEDERAL AFDC-U: UNEMPLOYED PARENT PROGRAM  
(Continued)

41-440

.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment (Federal AFDC-U) (Continued)

.24 The AFDC-U principal earner, who is apparently eligible for UIB (see Section 44-103.115(a)), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to EDD by the county welfare department. When the principal earner does not meet this requirement, Federal AFDC-U deprivation does not exist for the family ~~unless section 44-208/24Y~~. This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid. See Section 44-103 for the requirements for pursuing UIB as potential income for principal earners who are not exempt from ~~WIN~~ GAIN registration. (Continued)

Authority Cited: Sections 10553, 10554, 10604, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, and 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b).

50) Amend Sections 41-450.11 and .12 to read:

41-450 CONTINUED ABSENCE OF A PARENT

41-450

.1 Definition of "Continued Absence"

.11 "Continued Absence: exists when the natural parent is physically absent from the home, and the nature of the absence results in an interruption or termination of the parent's functioning as a provider of maintenance, physical care, or guidance for the child, regardless of the reason for the absence or the length of time the parent has been absent, and the known or indefinite duration of the absence precludes counting on the parent's performance in planning for the present support and care of the child.

If such an interruption or termination of performance of parental responsibilities exists, "continued absence" shall be considered to exist for purposes of eligibility for AFDC even if the parent remains in contact with the child through regular or frequent visitation. Regular or frequent visits with the child by a parent who is physically absent from the home shall not, in and of itself, prevent a determination that "continued absence" exists. "Continued absence" shall be considered to exist when the child lives with each parent for alternating periods of time.

"Continued absence" shall also be considered to exist when a parent who is a convicted offender is permitted to live at home while serving a court imposed sentence by performing unpaid public work or unpaid community service during the workday. (See Chapter 42-800/1)  
This parent may be eligible to receive AFDC (See Sections 44-203.213, 44-203/3Y and 44-209 82-828.2, and 80-301(a)(5).

.12 "Continued Absence" does not exist when one parent is physically absent from the home on a temporary basis (see Section 44-203/3 82-812). Examples are visits, trips or temporary assignments undertaken in connection with current or prospective employment.

.13 (Continued)

.14 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

51) Amend Section 43-109.21 to read:

43-109 REQUIRED FINANCIAL CONTRIBUTION - UNRELATED  
ADULT MALE (Continued)

43-109

.2 Definitions

.21 An "unrelated adult male" is a male who is 18 years old, or older, and not related by blood or marriage to any member of the AFDC family or to the unaided unborn of a woman aided under Sections 44-203/28 82-836 or 88-410.

.22 (Continued)

.23 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

52) Amend Sections 44-103.117(d) and .23 to read:

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME  
VERIFICATION (Continued)

44-103

.1 County Responsibility (Continued)

.11 (Continued)

.117 (Continued)

(d) If the individual is a State-only AFDC-U  
principal earner (see Sections 41-602.6  
~~and 44-206/28~~); or

(e) (Continued)

.12 (Continued)

.2 Applicant and Recipient Responsibility (Continued)

.23 Only the applicant or recipient who does not apply for  
or accept unconditionally available income shall be  
rendered ineligible. (See Sections 44-103.117 and 44-  
~~206/2.~~)

.231 (Continued)

Authority Cited: Sections 10553, 10554, 10604, and 11209,  
Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, and 11270,  
Welfare and Institutions Code; and 45 CFR  
233.10(a)(1) and 233.30(a)(3)(ix).

53) Amend Sections 44-133.6 and .101(g) to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.6 Income In Cases Where A Stepparent Resides In The Home

Regulations concerning income to the assistance unit from a stepparent (see .63 below) apply only when the stepparent resides in the same household with the aided children or unaided unborn (see Sections 44-203/28 82-836 and 88-410) and their parent but neither the stepparent nor any of his/her natural or adoptive children are in the assistance unit.

Note: When the stepparent is included in the assistance unit (see Sections 44-203 and 44-203 82-828), the total amount of his/her net nonexempt income shall be income to the assistance unit for purposes of grant and eligibility computation.  
(Continued)

.10 Income in Cases Where an Alien Has Been Sponsored for Entry into the United States (Continued)

.101 (Continued)

(g) When the sponsored alien is not included in the F&W AU (see Section 44-208 82-832), the portion of his/her income which has been deemed from the sponsor shall not be used in determining his/her contribution to the F&W AU unless such income is actually available to the F&W AU. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.20(a)(1)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

54) Amend Section 44-205.632 to read:

44-205 ESTABLISHING THE ~~FEW~~ AU (Continued)

44-205

.6 Aid Based on Pregnancy (Continued)

.63 (Continued)

.632 The father of the unborn when he is in the home at the time application is made and through the month of birth. See Section ~~44-200/11/11Y~~ 82-832.13. (Continued)

Authority Cited: Sections 10553, and 10554, and 10604, Welfare and Institutions Code.

Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 250.34(c)(3); and Sections 10553, 10554, 10604, and 11327.5(c)(3), Welfare and Institutions Code/~~AB 312/ Chapter 1368/ Statutes of 1990.~~

55) Correct Section 44-209.232 to read:

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING  
OF FINANCIAL PARTICIPATION (Continued)

44-209

.2 Federally Eligible Persons (Continued)

.23 A pregnant woman:

.231 (Continued)

.232 who has provided the county with medical verification of her pregnancy (see Sections ~~44-205/252~~ ~~82-836 and 88-410~~); and

.233 (Continued)

.234 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

56) Amend Section 44-212.2 to read:

44-212 MINIMUM BASIC STANDARD OF ADEQUATE CARE  
(Continued)

44-212

.2 The Minimum Basic Standard of Adequate Care set forth in Welfare and Institutions Code Section 11452 and previously distributed to the counties for each size ~~Family Budget~~ ~~Audit~~ (see Chapter ~~44-200~~ ~~82-800~~ for composition of the ~~Family Budget Audit~~) is in Section 44-207.212.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 233.20(a)(1)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

57) Amend 44-309.1 to read:

44-309 PROTECTIVE PAYMENTS IN APPLYING CHILD SUPPORT SANCTION

44-309

Choosing, appointing and reviewing protective payees.

- .1 When the parent or needy caretaker relative is excluded from the assistance unit pursuant to Sections ~~44-208/11(d)(1Y)~~ or ~~44-208/2(d)(2Y)~~ 82-832.21 or Section 42-786, the payment for the assistance unit shall be made in its entirety by protective payments provided the county is able to locate an appropriate protective payee. See Section 44-310. Where protective payments are made solely because of a failure to cooperate or to assign support rights pursuant to Section 43-106 and 43-107.1: (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

JUL 31 1991

APPROVAL

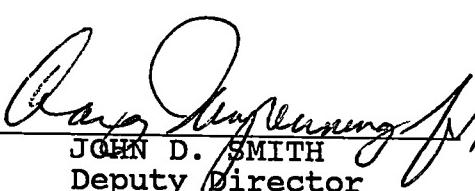
At 4:42 o'clock P.M.  
MARKING EU, Secretary of S.A.

By Ann M. Manassero  
Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0701-04

  
JOHN D. SMITH  
Deputy Director

07/31/91